



**Education**

**Sufficiency and  
Estate Strategy**

**2021 - 2031**

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## **Vision**

Hackney has a diverse and vibrant community of educational establishments. The school community has worked together over a number of years to grow and develop in light of changes in population and government agenda. The last year has been an outstanding example of partnership working in the most difficult context during the pandemic.

Hackney has a vision to provide an excellent equitable local educational experience for all Hackney children and young people. For the majority this will be within a mainstream early years setting and school or college environment. But for many who are not as easily able to access mainstream education for various reasons, we want to have a varied and child centred alternative offer through specialist settings and alternative provision. With significant growth in the numbers of children and young people who cannot access mainstream education we need to address this change in the same way that the Hackney community has approached change in the past: together, and with outcomes for children and young people as the cornerstone of our strategic approach.

We want all our children to be able to travel easily to a great inclusive local school which engages with all their neighbourhood parent/carer communities. We want all our children to be in schools which fairly reflect the diversity of the Hackney community.

## **Paper Summary**

The Council has a statutory duty to ensure there is a sufficient number of school places for pupils and that places are planned effectively.

It also has a statutory duty to keep under review educational provision, training provision and social care provision made both in and outside of its area for children and young people with SEN or a disability and for whom it is responsible.

The paper firstly provides a clear review of our current sufficiency and how our educational estate can support this; the review will assess the efficient running and financial stability of schools.

The paper will then present the gap analysis of provision that we will require over the next five to ten years.

Conclusions will be drawn to form the description of a high level strategy to address the vision proposed to provide sufficient Hackney school places for all children and young people living in our Borough.

# Context and perspective - National, London and Hackney

Hackney demographics	
<p><b>Age:</b> 25% are under 20 years. Proportion of residents between 20-29 years has grown in the last ten years to just under 25%. <b>Life expectancy</b> is below the London average, especially for men</p> <p><b>Cultural Diversity:</b> Over 1/3 of residents were born outside the UK. Population groups include: 'Other White', Black, Turkish/Kurdish. A large Charedi Jewish community is located in the North of the borough.</p>	<p><b>Deprivation:</b> Community is becoming less deprived than other LAs in relation to income, employment, housing: in 2010 ranked 2<sup>nd</sup> most deprived LA, in 2015 moved to 11<sup>th</sup> rank in London.</p> <p><b>Financial poverty and employment:</b> In 2016-17, 36% of residents were living in financial poverty – with incomes of less than 60% of the national median after housing costs.</p> <p><b>Housing:</b> Home ownership is highest amongst the Asian and White populations. Black residents are most likely to live in social housing.</p>

<https://hackneyjsna.org.uk/>

The population of Hackney after showing a rise between 2008-2016 is now falling.

Local authorities have a statutory duty to ensure there is a sufficient number of school places for pupils and that places are planned effectively. In Hackney, this is managed by Hackney Education (HE), the Council’s education service.

Between 2007 and 2014 Hackney experienced significant and unprecedented growth in demand for primary school reception places with very high rolls between 2012 and 2016. This trend was replicated in London and across the country. In response, local authorities created additional school places to cater for the increased demand. Furthermore, new school places were created through the government’s Academy and Free School programmes.

Since 2015 however, demand for reception places across London has decreased year on year. The reason why rolls are falling is unclear, but it is thought to be a combination of changes to welfare benefits, rising rents and the possible effects of Brexit and the pandemic. Falling reception rolls have led to a significant number of surplus reception places, which has impacted on the efficient running and financial stability of some schools.

There has been a significant increase in the number of children and young people with EHC Plans - 49% over the last 5 years, an average annual year on year growth of 10.3%. This year has seen a 17% increase in requests for assessment. The demand for high quality provision and specialist places in local settings is high, outstripping supply. This is in line with national trends.

There are 15,000 Charedi Jewish Children and Young People aged under 16 in Stamford Hill alone. These children will attend Charedi Schools by parental preference. There are two Othodox Jewish state funded girls secondary schools, one is local authority maintained and voluntary aided; the other is part of a multi-academy trust.

There are over 20 Charedi Schools in Hackney which are independent schools and engagement with Orthodox Jewish schools is both direct and supported by third sector charities. Of the 460 pupils with EHCP at Independent and Non Maintained Special Schools in Hackney, over 250 (57%) of these pupils attend Charedi schools.

The number of children in the Charedi Jewish community is increasing and there is pressure on space, and at times on the quality of educational accommodation, in the independent school sector. By comparison, other independent schools within Hackney with a religious ethos include three Muslim schools and one Christian school.

Between 2009 and 2021 there has been a clear trend in terms of an increasing number of Statements or EHCPs being issued and maintained by Hackney with an approximate 80:20 split between non SEND C&YP to 20% including EHC Plans and SEN support. This split may change as the total school population is expected to decrease over the next 3 -5 years.

The impact of this is significant, as while the need for specialist places and support services has increased, the CYP population is projected to fall. This means that the percentage of each year's pupil cohort requiring SEND support and provision will increase.

The decreasing rolls and increasing requirements for SEND will impact on the use of the education estate which will see changes in the coming 5-10 year period. We therefore need to review the Hackney strategy for sufficiency and meeting the needs of education through the asset.

The impact of falling rolls on individual schools creates challenges for school leaders and needs to be managed individually and collectively. Having an excess number of surplus places in the system can lead to more moves between schools than is helpful for young people. The strategy considers guidance for schools who are experiencing falling rolls.

## 1. Aims of the paper:

To describe the strategy over the coming ten years (2021-2031) for education, education property and estates in Hackney, ensuring that:

- There is a sufficiency of early years, statutory age and post 16 mainstream and special school and college places in our Borough
- The overall spread of schools (mainstream and special) and early years settings meets the **strategic aims of Hackney Council**
- All pupils can travel easily to a local school
- There is equitable access to schools for all families, with attention given to ensuring decisions taken provide and promote diverse intakes.
- Schools fairly reflect the diversity of the Hackney community.
- The range of types of school is continued, including faith schools.
- The changing needs of the population are met: both in terms of education spaces and community spaces

- Our partners in education, headteachers and governors, diocesan boards and academy trusts, are aligned and committed to this strategy
- Communities and colleagues can see a rationale and process of support for any change
- School leaders, including governors, are well informed and supported in understanding possible developments ahead
- Key stakeholders are engaged and supported
- There is broad commitment to any changes proposed, note that proposed changes are the subject of consultation with the community and carried out in line with statutory requirements including school reorganisation and equalities legislation.
- Changes to site use are well considered and sustainable
- The education estate in use supports a good quality of education
- Education sites are well maintained and suitable for use, and will be well maintained for the future/environmentally sustainable.
- Public money is well spent - including ensuring schools and settings are run efficiently; guidance is given on sustainability given pupil numbers
- There are clear guidelines and protocol for responses to external requests for use of sites.
- Attention is paid to contributing to growth of the inclusive economy
- The strategy supports and promotes the health and well being of the borough

This paper sets out the likely need for change to use of sites over a 5-10 year planning period and possible capital investment routes to support the need. This paper does not list individual sites or address individual concerns. Decisions about individual sites will be made in line with the agreed strategy via the implementation plan which will be produced at a later date.

## **2. Audience:**

Officers and councillors, headteachers, governors, diocesan boards and the public

## **3. Timeline:**

Throughout - working group meetings of key officers and senior officers meet weekly

- March 2021: To get initial approval at HMT and 3-1 for scope of document and general steer - Group Director and Cllr Bramble approved 8-3-21; FM group approved 15/3/21; SLT to see paper 18/3/21
- 31 May/30 June 2021: Draft Strategy paper approved by all HE senior officers
- June - November 2021: Ensure discussion with neighbouring boroughs, diocesan boards and other partners: headteachers and governors regarding school place planning and specialist provision; Social care and health leadership teams.
- November - December 2021: Senior Council and member review of the strategy

- February 2022: This strategy paper will go to Cabinet for final approval
- February 2022 - December 2022: The development of implementation plans will take place with stakeholders to formulate proposed solutions. One implementation plan for Priority 1 and SEND proposals. Further implementation plans to address the priorities 2,3 and 4.
- July - December 2022: Council meetings as required to get final approval for the resulting implementation plans.

#### 4. Key input documents:

This paper is supported by multiple key input documents (2020 data), listed below which provide a detailed analysis of each area and the changing need:

- School organisation plan (September 2020):**  
<https://education.hackney.gov.uk/content/school-place-planning#:~:text=Hackney%20Education's%20School%20Organisation%20Plan,the%20School%20Place%20Planning%20Group.>
- Childcare Sufficiency Assessment (March 2020)**  
<https://www.hackneyservicesforschools.co.uk/system/files/extranet/Hackney%20Childcare%20Sufficiency%20Assessment%202019%20to%202020%20%282%29.pdf>
- Map of Schools and Children Centres**  
[https://www.hackneyservicesforschools.co.uk/sites/default/files/document/A0%20Hackney%20Schools%20Map\\_July\\_2019.1.pdf](https://www.hackneyservicesforschools.co.uk/sites/default/files/document/A0%20Hackney%20Schools%20Map_July_2019.1.pdf)
- Hackney's Local Plan 2033 (LP33) - adopted in July 2020**  
**■ appendix-1-LP33-adoption-july-2020.pdf**

The new borough wide Local Plan 2033, known as LP33, is the key strategic planning document used to direct and guide development in the borough up to 2033.

The Council are also developing 2 new area action plans for Shoreditch and Stamford Hill together with supplementary planning documents including Growing up in Hackney - Child Friendly Places Supplementary Planning document.

#### 5. Key officers:

Officers: Fran Cox, Ginevra Davis, Samantha George, Andrew Laidler, Ophelia Carter, Donna Thomas, Stephen Hall, Jane Ball, Hilary Smith, Anton Francic, Meghan Nice

Senior officers: Annie Gammon, Chris Pritchard

HMT champions: Jacquie Burke, Ian Williams

#### 6. Strategic aims for education in Hackney

Hackney's aims are to create a fairer, more inclusive borough, which supports children and young people to thrive. We want to optimise schools' roles as an anchor system in the

borough and we want to ensure developments and changes are sustainable in the widest meaning of the word.

Hackney Education's mission is to **improve the life chances of every child, young person and learner in Hackney**

... making Hackney the most forward looking education system in the UK, where schools, settings and partners provide an exciting environment which ensures inclusion and success for everyone. We see our borough as being one of the best places in the country for young people to grow, learn, develop and achieve – and one of the best places for colleagues to work and thrive in our education system.

The Hackney Schools for Everyone document of Jan 2018 summarises a survey of residents. When asked about the role the Council should take in Hackney's schools, 92% respondents thought the local authority should ensure there are enough school places locally, 88% said the council should support the wellbeing of vulnerable children, 85% identified access to special educational needs provision, 83% said the Council should ensure schools work together to provide high quality education. 83% of respondents believed that it was the Borough's role to oversee the schools admission process and ensure that it's fair. Respondents were also asked to rate on a scale of very important to not important at all the priorities for schools in Hackney. Providing sufficient primary and secondary school places was considered very important for 90% of respondents, with equal opportunities, maintaining high standards and investing in high quality facilities receiving over 80% of responses as 'very important', followed by schools working together at 74%.

Respondents suggested that Hackney schools are diverse with comparatively low segregation between pupils from different backgrounds and this was something to be safeguarded by the local authority. From this emerged a narrative about respondents' fears that children could be left behind, fuelled in part by concerns over demographic changes to the borough.

The document emphasises a strong preference for schools being open to everyone i.e. not selective. In our borough we have maintained schools which have a religious ethos and are open to everyone (Church of England and Roman Catholic schools and Jewish schools; there is also an Islamic faith based academy). The Borough wants to ensure these faith based schools can continue to thrive.

In Hackney we have a number of academies and free schools. Whilst the borough has a particular responsibility to local authority maintained schools, we also see the academies and free schools as part of the wider Hackney family of schools.

There needs to be particular attention to the needs and future of small schools. One form entry schools are particularly vulnerable to the impact of any reductions in rolls.

We want to support schools in any future change of use of parts of their sites.

There is a renewed focus on ensuring all our schools in Hackney both mainstream and specialist are inclusive in their ethos. In the changes proposed in this strategy we want to ensure that we provide the correct training and development to mainstream schools to increase their local offer in relation to pupils with SEND that will be included within their school community. With more and more children with SEND included in mainstream settings there will be a requirement for more specialist training for local mainstream school staff and strategic curriculum development in order to differentiate to meet all needs. Hackney Education is committed to supporting mainstream schools in this.

All sufficiency and estate reviews will be made in consideration of Hackney Education's School Organisation Principles.

## **7. School Organisation (Sufficiency & Demand)**

Needs arise where there is insufficient capacity or provision to meet what is required or the existing provision is not suitable for the current or future need.

### **Early Years**

In total, there are 365 childcare providers in Hackney. These include 176 Childminders, 51 nursery classes in schools, 2 maintained nursery schools and 118 Private and Voluntary nurseries registered with Ofsted as Childcare on non-Domestic Premises. In addition there are 18 independent schools which provide education and care for 2, 3 and 4 year olds. The number of providers has remained broadly stable over the previous two years.

The most recent Childcare Sufficiency Assessment (March 2020) concluded that there is a sufficient supply of childcare provision to meet the needs of children requiring funded childcare places. Participation by providers offering 2, 3 and 4 year old funded places has increased over the previous two years thereby improving access to these entitlements for children and families.

The Parenting and Family Information Service monthly collection of vacancy information indicates that there has been an increase in the number of settings reporting vacancies. In May 2021, from a total of 146 schools and settings that completed the survey, 71 reported vacancies. This has increased from 49 in November 2020.

### **Mainstream Schools:**

There are 58 maintained Primary Schools consisting of 38 Community schools, 14 Voluntary Aided (VA), 3 Free schools and 3 Academies. There are 16 secondary schools, of which 8 are Academies, 5 VA, 2 Community and 1 Free school. The complete list can be viewed on page2.

<https://education.hackney.gov.uk/content/school-place-planning#:~:text=Hackney%20Education's%20School%20Organisation%20Plan,the%20School%20Place%20Planning%20Group.>

## **Primary projections**

Primary school rolls are falling in Hackney and across London. This significant shift in demand offers the potential to examine how our school buildings are being used. However caution is needed when considering sites that could be deemed surplus to requirements for the future if rolls increase again (both primary and secondary). Sufficient capacity should be retained within the estate - including for a new secondary school - if there is a future increase in demand for secondary school places.

In January 2021, there were 495 vacant reception class places. Secondary schools were mainly full with 39 vacancies. The Greater London Authority's position is that the mainstream roll forecasts are difficult to predict at this stage given the changing patterns as a result of Covid 19, but rolls are falling. Reductions in the Planned Admission Number (PANs) have been undertaken; 120 reception places were removed in 2019, a further 135 will be removed in September 2022 and the Authority is currently consulting on reducing PANs by a further 120 places in September 2023.

## **Secondary Projections**

Secondary projections are devised by using primary rolls as a baseline, to which various factors are included and others discounted, for example, a projection of the number of non-Hackney resident pupils that are likely to obtain a secondary place in Hackney and the number of Hackney resident children in primary schools outside Hackney that will require a place in a Hackney school at secondary transfer. Consideration is also given to pupils in independent primary provision and those that may transfer to an independent secondary school and an over allocation of Yr 7 places at secondary transfer by some schools.

Based on projections using the January 2021 census, surplus Year 7 places will range from 52 places in September 2022 to 142 in September 2027 with a peak of 247 places in September 2025. Work is underway to determine the impact of falling primary rolls on the secondary phase.

## **Post 16**

Hackney has 12 school sixth forms providing applied general and A Level courses for 3000 students. Over the past 10 years the numbers in Hackney school sixth forms have more than tripled, with 6 sixth forms having opened since 2010. Two schools are 11-16 only. At present, City of London Academy, Shoreditch Park is consulting on opening sixth form provision. There is a sufficiency of post-16 places with half of our sixth forms having an entry of under 100, which, using DfE criteria, would be deemed to be at risk.

Schools are maintaining their numbers by increasing the breadth of their course offer beyond A Level and schools value their sixth form as it sustains the entry of their cohort at year 7. The recent DfE White Paper, Skills for Jobs: Lifelong Learning for Opportunity and Growth, January 2021, has an emphasis on the new T Level courses which would run more easily at a college and this could lower the number of students choosing to stay on in school at 16.

Sufficiency in courses is less well developed. The schools do not offer provision at Entry Level to Level 2. For this type of learning experience and accreditation, Hackney young people can go to the two colleges in Hackney: BSix and the Hackney Campus of New City College, which also has sites at Epping, Havering, Redbridge, and Tower Hamlets, and a number of other colleges in surrounding boroughs. There is some SEND provision at both BSix and Hackney Campus of NCC. The colleges also offer level 3 provision and blended pathways.

Only Stormont House and Ickburgh School offer sixth provision for SEND pupils and this is the area of greatest need. The Garden School is expanding to become an all through school with post-16 provision.

Currently there is a large net outflow of sixth form students from Hackney. This is a potential group of students who could remain in borough if suitable offers were available.

## **Independent Schools**

There are 29 Independent Schools and 3 Independent Special Schools within Hackney, 84% of these are faith based schools - 23 Jewish Schools, 3 Muslim Schools and 1 Christian School. There is only 1 mainstream Independent school.

A strong presence of independent settings in a local authority is always an impacting factor when pupil place planning as it is very difficult to predict when parents may choose to leave the public school system and move their child to an independent setting.

The great majority of independent school places taken up in Hackney are in the Jewish community.

Anecdotally we are seeing slightly more families choosing to access independent education for their children through the pandemic which has been a contributing factor to falling rolls in some schools.

We are keen to work with our independent school settings as a key part of our Hackney Schools community to ensure a consistent offer is in place for children and young people with SEND. Good strategic relationships will also lead to better understanding of pupil flow which will support intelligent pupil place planning in years to come.

## **Special Education Needs and Disabilities:**

There is a need for additional SEND places in-borough. We currently send **460** pupils out of the borough to independent provision and non maintained special schools. This is expensive and involves travel. It is also not in the best interest of the child in comparison to a local provision in their communities.

Further to this the significant increase in the number of children and young people with EHCP requiring specialist provision forecasts that by 2023 we will require an additional **336** places in special provision by 2023 and a further **168** annually after that through to 2026.

The numbers and type of places needed have been reviewed through the SEND Needs Analysis Paper (SNAP) and in June 2021 we began to invite expressions of interest from schools and settings within the borough to be involved in the delivery of new provision.

The numbers and pattern of organisation will be reviewed and informed by the SNAP and the expressions of interest received.

The SEND Needs Analysis Paper (SNAP) has made the following recommendations in relation to future educational need:

1. The delivery of **150** additional all age Special School places for children and young people with ASC and complex needs. This could be through the expansion of the existing Special Schools, or in the creation of a new provision.
2. The delivery of two ASC Additional Resource Provisions (ARP); one **24** place secondary and one **24** place primary setting.
3. The delivery of one **24** place MLD Secondary ARP
4. The delivery of one **24** place Primary SLCN ARP
5. The commissioning of **20** ASC places catering for the orthodox jewish community
6. The commissioning of **24** primary SEMH places
7. The commissioning of **24** secondary SEMH places
8. The commissioning of a **50** place Post 16 provision which supports children and young people with complex needs including ASC and SEMH.
9. The development of more formalised pathways for earlier assessment and **20** assessment places within Early Years settings.

Given the timescales associated with the growth figures there is a need to move quickly in relation to an identified solution.

Hackney Education will ensure that with any new provision support and training for people working in these ARP and special schools will be developed.

Hackney Education's School Organisation Plan in July 2020 identified the following;

### **Well maintained, accessible, sustainable assets**

The strategy will support the aim to ensure that school premises are well maintained, fit for purpose and meet all relevant national standards for space and health and safety.

The education property portfolio has had significant investment over the last 15-20 years through the regeneration of the secondary school estate under the BSF programme and more recently through regeneration of sites through mixed use opportunities, cross

subsidising the building of schools through the development and sale of private residential properties on the same site.

Although there has been considerable investment since 2006, there are still significant ongoing maintenance needs across the estate and with environmental sustainability and quality of life at the heart of the Council’s vision for urban design, these two issues will be important drivers in the decisions made around future investment and location of places. The strategy will also consider the promotion of health and well being for Hackney’s children, to ensure access to good play and sport and leisure facilities.

Asset Management Planning information on the education estate assesses condition, suitability and sufficiency of the school sites and will provide supporting baseline information for the prioritisation of school development. For example there is an asbestos issue in some schools of a particular age that will need to be taken into consideration when looking at viable options. Options appraisals will be considered for existing sites to help decision making on whether to refurbish existing buildings or to construct new buildings if more cost effective.

**8. Education Property Surpluses: mainstream, special and early years**

The pattern of school organisation over recent years together with new school and mixed use developments has released sites that are currently empty or have a temporary use. This combined with falling rolls and increasing SEN need provides an opportunity for the existing education estate strategy to coordinate providing the future places required with the sites and spare capacity available. The future delivery of school places will need to reflect the policies within the Local Plan 2033 (LP33) adopted in 2020.

**Housing Mix Context**

Delivering good quality genuinely affordable homes to meet the needs of Hackney’s existing and future households is a key challenge for Local Plan 2033. The priority is for conventional housing, and in particular genuinely affordable housing, where the Council seeks affordable contributions from large and small schemes involving housing. Regarding size mix the main planning policy is LP14 ‘ Dwelling Size Mix’, where the following mix is set out:

Bedrooms / Dwelling size	1 Bed	2 Beds	3+ Beds
Preferred dwelling mix – social/London affordable rent	30-34%	30-34%	33-36%

Preferred dwelling mix – intermediate	Lower % than 2 bed	Higher % than 1 bed	15-25%
Preferred dwelling mix - market	Lower % than 2 bed	Higher % than 1 bed	33%

There is recognition that in the Stamford Hill area the Council will be seeking a higher proportion of 4 bed plus units. In addition the Council will consider variations to the dwelling mix depending on site location and characteristics, site constraints, and scheme viability etc. In some cases and circumstances the proportion of family housing sought in a scheme may be higher, and in others it may be necessary to provide a lower proportion of family units (3 bed plus) units.

The mix advocated in policy LP14 is based upon local housing assessments and the Council housing waiting list, which identifies the quantum of each type of housing required to meet housing needs in the Borough.

## Opportunities

### Potential Children Centre sites

Hackney has 21 children's centre premises, and one One 'O' Clock Club centre in Clissold Park. Of the 21 Children's centres and One 'O' Clock' Club premises, 18 occupy either a purpose built building or school premises, owned by the Local Authority. Two are owned by charities, one is owned by a management committee, and one is owned by the NHS (see attached Appendix D table, Hackney Children's Centre & Associated Sites).

### Potential for spare provision in those primary schools with reducing PANs.

There are a number of schools with falling rolls in the borough; some of which have had temporary PAN reductions introduced. The opportunity to review and consolidate this provides an opportunity to consider new SEN provision on school sites with spare capacity, the possibility of permanently reducing PANS should be considered in coordination with the SEN strategic need for places.

It is important to note that whilst reducing PAN is often linked to schools with falling rolls, this is not always the reason for a PAN reduction. Some schools approach us so that they can change their PAN to plan ahead before they experience a significant impact of falling rolls or to find viable long-term solutions for them when managing their staff and budget. Other schools who are not experiencing falling rolls but are in planning areas which have large surplus are working with us to adjust their PAN in the wider efforts for equity; in hope that this will positively affect school roll numbers at schools around them.

### Vacant school sites

There are school sites in the borough that are no longer used as schools but have a temporary use pending future decisions on their strategic use. Their suitability for future

education use and potential for mixed use development to help fund future school places will be assessed in order to determine viable options. Feasibility studies undertaken in recent years provide a positive outlook for future education use colocated with housing developments similar to recent projects completed in the borough and this model will be explored as the needs are further defined. The Local Plan 2033 supports the principle of providing mixed used development, co-located with other social infrastructure.

Subject to the developing school estates strategy and ongoing falling rolls at mainstream schools, some sites already out of use could be used to generate income to provide additional income for school places (such as SEND places) or provide opportunities for alternative community infrastructure.

### **Schoolkeeper Properties**

With less reliance on residential schoolkeepers, there are a number of schoolkeeper houses tied to schools within the borough that are vacant or will become vacant in the short to medium term. Options will be considered for the future use of these properties particularly in relation to the SEND needs in the borough, although many are unlikely to be suitable for SEND need because of their layouts, dimensions and accessibility.

Alternative uses will be considered and will include other internal service requirements such as Benefits & Housing Needs (temporary accommodation) and Adult Social Care (housing with care).

### **Other Sites within Hackney Estate**

HMT is supporting the strengthening of the central strategic asset management function as well as the continued development of a Corporate Landlord operating model. The establishment of the Strategic Asset Management Framework (SAMF) which encompasses the newly established Asset Review Process and the revised Governance proposals would capture the wider corporate estate. The intent is that the pan-corporate thinking which it encourages will complement an increasingly collaborative working culture across services and their operations. As such, non education sites could be considered as an option for education use and development.

Within the SAMF there will be an overarching Corporate Asset Management Strategy (CAMS) and the Education Estate Strategy (service plan) would feed into the CAMS. This process is currently under development.

### **Legal and Land Title**

The strategy will consider land ownership and potential restrictions or impact on future opportunities and any additional land requirements and approvals or consents needed. We will work with our partners, for example the Diocesan Boards, on any sites identified for development not owned or managed by London Borough of Hackney.

## **9. School Organisation Legislation**

Statutory guidance from the DfE outlines the legal process that must be followed when making organisational changes to existing mainstream schools. Organisational change can include opening or closing schools, a change of category, size or location and specific duties around establishing, altering and removing SEND provision. The guidance, which is set out in a number of key DfE documents and underpinned by several legal instruments, aid Local Authorities, Governing Bodies and decision makers in bringing forward statutory proposals. The guidance advises that where possible, additional new places should only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding' as well as the conditions under which the removal of places should be considered and entered into.

[The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)

[The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/851585/Opening\\_and\\_closing\\_maintained\\_schools1012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/851585/Opening_and_closing_maintained_schools1012.pdf)

## **Opening New Schools**

### **Free School Presumption**

The Free School presumption is the main route by which local authorities can establish a new school in its area. Once the need for a new school has been identified, the LA must seek proposals to establish the new provision via this route.

All new schools established through the presumption process are classified as free schools. This reflects the fact that 'free school' is the department's term for any new provision academy. 'Academy' is the legal term for state-funded schools that are independent of local authority control and receive their funding directly from the government. Schools established through the presumption process are not required to use the term 'free school' in their name: this follows practice within the department's free school programme.

When following this route, LAs are required to draw up a specification and carry out a consultation on each proposal and invite proposers to submit applications. Once applications are received, these are reviewed by the Local Authority and the DfE. However, the final decision on the appointed sponsor rests with the Secretary of State. A funding agreement is then entered into between the successful sponsor and the DfE. The LA is responsible for providing the site for the new school and for delivering the capital programme for the build. All types of schools can be considered under this process. The free school presumption is outlined in the document (link) below:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/844346/Free\\_school\\_presumption\\_051119.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844346/Free_school_presumption_051119.pdf)

Whilst this isn't necessarily an issue from an education perspective, The Free School Presumption does have key implications for the educational property assets as the building and site would be handed over to the Academy Trust or Free School under a lease

agreement. As a consequence of this; the strategy will look first at ways of expanding the existing school community before considering the delivery of a free school.

## **Merging schools**

The amalgamation of two schools involves the closure of one of the schools and a pooling of resources. The Garden School, for example, was created by the amalgamation of Horizon School and Downsvie School. The merging of schools serving the same locality offers the retention of a local school with viable pupil numbers where individual pupil rolls are not sufficient for a single school to be financially sustainable.

## **Federation**

Federating schools has underpinned many successful school transformations in Hackney. Federation can offer much to maintained schools, allowing them to build greater capacity in senior leadership, immediate school to school support, shared teaching expertise, governance, and potential economies of scale offered by joint up administrative functions and pooling of resources. Partner schools in a federation benefit from a broader base of expertise and support. Federations are typically overseen by one executive headteacher/principal with heads of school on each school site. There are two school federation structures, a 'soft federation' where each school retains its own Governance structure and a 'hard federation' where one governing body oversees the federation, typically with subcommittee structures overseeing each school.

## **Expanding Schools**

Expansion of an existing school onto a separate site may be the preferred option for increasing SEND places. If this route is pursued, the new provision must be a genuine change to an existing school and not in reality the establishment of a new school. The type of factors to consider when deciding which route to take are set out in [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#), which is referenced above.

## **Closing Schools**

Under Section 15 of the EIA 2006, a LA can propose the closure of ALL categories of maintained schools following a statutory process. Reasons for closing a maintained school include surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term; The governing body of a voluntary, foundation or foundation special school may also publish proposals to close its own school following the statutory process. Alternatively, it may give at least two years' notice of its intention to close the school to the Secretary of State and LA.

## **Support**

Hackney Education will ensure that it provides support and guidance to all schools through any change.

## 10. Finances

Any decision around investment should be considered as part of the business plan for considering the revenue costs of providing SEN Places in borough and the balance to be discussed regarding any savings to the High Needs budget.

### Capital Funding Strategy

Options available for capital funding streams will be reviewed and alternative options will also be considered for capital investment to support provision.

#### **Capital Allocations for supporting places for pupils with SEND**

The government announced the High Needs Provision Capital Allocations (HNPCA) in April 2021. This grant is paid to local authorities (LAs) to support the provision of places for pupils with special educational needs and disabilities (SEND) and those pupils requiring alternative provision (AP). This funding will form the basis for the capital investment in SEND need and will form part of the wider strategy combined with other capital investment such as basic need.

#### **Basic Need Grant**

Basic Need grant funding is a capital funding route allocated by central government to meet local priority needs for school places. The Basic Need allocations are based principally on data collected from LAs in the School Capacity Survey (SCAP) annual returns. The DfE have confirmed that whilst Basic Need funding must be used for capital purposes, it is otherwise un-ringfenced to allow local authorities greater flexibility to make decisions that are best for their local area although the condition for grant application excludes using it for free schools in any capacity. While the funding is calculated based on need for mainstream places across reception to year 11, local authorities are free to use this funding to best meet their local priorities; including creating new provision for pupils with special educational needs and disabilities to ensure every pupil has an appropriate school place.

### Revenue Funding Strategy

#### **School Places - revenue funding for additional SEN places**

1. The average revenue cost for an ARP place in a Hackney mainstream setting is £21,080 per annum (place funding and top-up)
2. The average revenue cost for a place in a Hackney special school is £30,167 per annum (place funding and top-up)
3. The average revenue cost for a pupil to attend a independent special school or non-maintained special school is £43,672 per annum

The above revenue costs are based on March 2021 costs, and do not include transportation cost of average £7,800 per annum which is more likely to be incurred by pupils attending out of borough independent special schools or non-maintained special schools.

There is a potential savings ranging from £13,505 to £22,592 should a pupil be placed in a Hackney ARP or special school.

The cost of operating a school is dependent on the number of pupils attending as the funding provided is based on individual pupils and their circumstances.

### **Operational and Maintenance costs of vacant sites**

This is an important consideration as the revenue implications for keeping empty sites available and safe can be considerable. By way of an example, costs to mothball a primary school site can cost in the region of £250,000-300,000 per annum.

### **Running considerations of current schools**

There are a number of schools which find the economic pressures of running more challenging. Factors are:

- Not filling places to capacity
- One form entry schools - particularly where the above applies
- Small sixth forms
- Expensive maintenance costs
- Popularity in terms of trends of parental choices
- Quality of education

Schools nationally and locally continue to struggle with managing limited resources and increasing numbers of schools have moved into a cumulative deficit position. Ten schools closed the 2020-21 financial year with a deficit balance. Schools continue to be innovative in terms of merging year groups, sharing support functions and managing contract costs but around 80% of expenditure directly relates to staffing. Regular restructuring is taking place in many schools however it is becoming more difficult to achieve long term financial stability where local declines in pupil numbers are predicted.

### **Further Considerations**

#### **Mixed Use Development**

This is a model with many examples in Hackney and across London. It provides the opportunity to cross subsidise the development of school places through the building and sale of residential properties on the same site.

This model has delivered a number of new schools in Hackney including Holy Trinity Primary School in Dalston, New Regents College at Nile Street and Nightingale Primary School at Tiger Way. There is an opportunity on existing vacant sites to deliver a project that could support the costs of constructing a new SEND school on the lower floors of a development

along similar lines either as an expansion of an existing SEND school or a new SEND school.

### **Sites surplus to education use**

The consideration of disposing of site(s) that are or become surplus to education use could be considered as a way to raise capital to support the strategy. This option would need Secretary of State approval. There are risks regarding the free school presumption when identifying a site as surplus to requirements that would need to be carefully considered. Early discussion with the DfE around the strategy is recommended.

### **DfE Free School SEND Competition**

The most recent round LBH bid for SEMH provision for the Family School on the old Harrington Hill Primary site, was not successful. It is unknown when another round may be available but this could be a future option if the DfE hold another round. Timescales associated with this route may make this option invalid.

### **Section 106 Opportunity / CIL**

The opportunity provided by housing and other major developments in the borough for investment using S106 or the Community Infrastructure Levy (CIL) in the borough will be closely aligned to the strategy.

### **Cross Borough Project**

Potential to provide the site and fund SEN provision through cross borough investment with another neighbouring borough is a possibility that needs to be explored. Liaison with our closest LAs has begun to ascertain their own commissioning strategy which will inform the viability of this option.

## **11. Comments of the Council Solicitor and Monitoring Officer**

The following legal duties of the Council apply to the provision of education for children and young people in its area, and to the various proposals put forward in this report:

- S 14 Education Act 1996 (EA 1996) to ensure the provision of “sufficient schools” for the provision of primary and secondary education in their area.
- S 13(1) EA 1996, as far as powers permit, to “contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, secondary education and further education are available to meet the needs of the population of their area”.
- S 19 EA 1996 to make arrangements for the education of children who may not receive education at school for whatever reason.
- S 13 EA 1996 to promote high standards and the fulfilment of potential and fair access to educational opportunities for children of compulsory school age at school or otherwise or if under age at maintained schools.

- Ss 507A and 507B EA 1996 to secure that facilities for primary, secondary and further education include adequate facilities for recreation, social and physical training.
- S 22 Schools Standards and Framework Act 1998 (SSFA 1998) to be responsible for the maintenance of schools (Governors also have responsibilities).
- S 45 to give a financial budget to all maintained schools.
- S35 Education Act 2002 (EA 2002) to employ all staff in community, voluntary controlled or community special schools and maintained nursery schools.
- S 176 EA 2002, as amended, to consult with pupils, including pupils at any maintained nursery schools in any matter which may affect them in line with guidance issued.
- S 27 Children and Families Act 2014 (CFA 2014) to keep under review educational provision, training provision and social care provision made both in and outside of their area for children and young people with SEN or a disability and for whom they are responsible.
- S 508A to promote sustainable modes of travel to meet the school travel needs of their area including persons of sixth form age.
- S 508B to make arrangements to transport eligible children to and from qualifying schools at the beginning and end of the school day.

The Authority also has the following relevant powers:

- Ss 508B and 508C to provide transport to and from school.
- S 15A to secure facilities for Further Education.
- S 7 Education and Inspections Act 2006 to invite proposals for new schools from persons other than the Local Authority.
- S 65 CFA to access at any reasonable time all educational institutions including academies which have a child or young person with an EHC plan for the purpose of monitoring the education or training given.
- s 1(1) Local Government Act 1999 imposes a duty to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The Council has fiduciary duties towards residents.
- S149(1) Equality Act 2010 imposes the Public Sector Equality Duty on the Council.

The PSED requires the Council to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010 (section 149(1)(a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b)). This involves having due regard to the needs to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and

- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

(Section 149(3), EqA 2010.)

- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (section 149(1)(c)). This includes having due regard to the need to tackle prejudice and to promote understanding (section 149(5), EqA 2010).

In taking decisions the Council must act lawfully, including acting within its powers, following its own procedures as well as those required by law, such as those relating to the opening and closures of schools and guidance.

The Council must ensure that all required consultations are properly undertaken in accordance with relevant law and guidance, and the Cabinet Office Guidance on Consultation, 2012.

It must make rational, evidence based decisions, take into account all relevant considerations and for a proper purpose, be compliant with the European Convention on Human Rights and make proportionate decisions that are properly reasoned.

It must seek detailed legal advice where required, for example in meeting the requirements of the PSED, school reorganisation, commissioning and on employment and procurement questions.

## **12. Proposed strategy**

In order to meet the vision as set out the following 4 strategic priorities have been identified:

1. Creation of sufficient additional in borough special school places
2. Partnership working with mainstream Primary schools whose rolls are falling to seek viable solutions.
3. Partnership working over the coming five academic years with mainstream Secondary schools whose numbers are likely to be below PANS over the period 2022-2027
4. A long term sustainable use plan for all education sites in the borough

### **12.1 Priority 1: Creation of sufficient additional in borough special school places by 2024**

Recommendations:

- We will seek expressions of interest from Primary and Secondary schools in relation to the running of 4 Additional Resource Provisions
- We find three potential special school expansion sites and work with our existing special schools to extend provision.
- Should the above 2 recommendations not provide adequate places to meet the growth identified above, we will consider the provision of a new special school.
- We will formulate a commissioning strategy to provide special school places for the Orthodox Jewish community in borough
- We will develop a commissioning strategy for the commissioning of specialist SEMH places for both primary and secondary pupils in borough.

In finding sites we will review the empty sites and those schools under financial pressure or who may benefit from moving site. Consideration of other council endorsed use needs to be a factor.

Options appraisals and subsequent statutory consultations will be initiated for:

- a) providing additional SEND places via the following routes: ....
  - i) Additional Resource provision in mainstream schools
  - ii) Extending existing special schools by size and or designation
  - iii) A new special school
  - iv) the re-organisation of mainstream primary places where feasible due to falling rolls (see priority 2)

## **12.2 Priority 2: Partnership working over the coming two academic years with mainstream Primary schools whose rolls are falling to seek viable solutions.**

Recommendations:

- We will work with schools under particular pressure in terms of medium term (5 yr) stability and sustainability of pupil numbers and discuss with them plans to manage numbers and budgets: these include amalgamation options, federation options or to support differently to ensure they continue most effectively.
- We have a significant number of surplus reception places (17%) and are seeking to reduce this to levels around 5%. Further reductions will be made in September 2022/23 with additional proposed reductions for 2023/24. Sufficient capacity must be retained in the system to cope with a future surge in demand for places.

## **12.3 Priority 3: Partnership working over the coming five academic years with mainstream Secondary schools whose numbers are likely to be below PANS over the period 2022-2027**

Recommendations:

- We will work with schools under particular pressure in terms of medium term (7 yr) sustainability at current size and discuss with them either plans to reduce 11-16 PANS or to support differently to ensure they continue most effectively. This is in the context

of the need for additional specialist places and the possibility of sixth form expansion at level 2, level 1 or entry level. Sufficient capacity must be retained in the system to cope with a future surge in demand for places.

- We will work with schools and Post 16 providers to aim to map a coherent and attractive Post 16 local offer that provides a range of courses accessible to all.

#### **12.4 Priority 4: A long term sustainable use plan for all education sites in the borough for a ten year period**

Recommendations: We will work with our partners and schools to achieve a long term sustainable plan for the education sites within the borough.

- One of the key aims of the strategy is to ensure that all use of council owned education estate is being optimised. Whilst this may mean a change of use within the education range of uses; the priority is to maintain educational use. If any parts of sites or sites are deemed surplus to education use and we are confident that there is sufficient capacity within the estate to provide for future education expansion, then sites could be opened up to wider council or alternative use to support the overall strategy. This will be considered in line with the emerging Asset Review Process and Corporate Asset Management Strategy.
- All education sites will be assessed to understand how each site performs using asset management principles.
- We will work with our partners to assess the investment requirements of education sites through condition surveys.
- All sites will be assessed for space utilisation using net capacity assessments and space (square metre) per pupil measurements to help understand the efficiency of use and improve space utilisation across the estate.
- We will work with our partners, schools and the Council's energy team to gain a better understanding of environmental sustainability within the estate including calculations of energy consumption and future improvements to help support the Council's target of net zero emissions across Council functions by 2040.
- The information collected through these measures will help inform the capital investment decisions and use of the school estate over the next 10 years.

### **13. Next steps**

The above four priorities, feedback from consultation and expressions of interest will be used to form a number of implementation plans - these implementation plans will happen in stages and will include targeted solutions for our sufficiency and estate needs.

Development work within Hackney Education, the Council and with key stakeholders will formulate these detailed plans.

In 2022 we aim to have developed at least the implementation plan for Priority 1 (in separate phases) and then later the next Implementation plans for priority 2, 3 and 4.

The implementation plans will be developed in accordance with the timeline set out in Section 3 of the strategy and in order to align with both the council's internal governance and approval schedules as well as the Department for Education school organisation timescales.

## Appendix A - Hackney Education's School Organisation Principles

### Hackney Education's School Organisation Principles

Hackney Education's school organisation principles are set out in Appendix 3 of the School Organisation plan for 2020-2025 available [here](#). The principles, which include the following, are considered when bringing forward proposals for school organisational change:

- School popularity
- Number of surplus places
- Ofsted rating
- Suitability and condition of the building
- The school's budget/balance
- The school's resilience to withstand significant change
- Valuing the diversity offered by voluntary, independent and academy sectors in providing school places
- Valuing diversity in schools' intakes
- Believing that generally primary education should be provided in a mixed diverse environment
- Looking at the implications for early years when bringing forward proposals
- To positively support arrangements for schools with admission numbers in multiples of 30
- To generally support arrangements for all through 4-11 primary schools than separate infant and junior schools
- To aim to provide places within a 2 mile walking distance for children aged 5 and 7 and 3 miles for children who are 8 years and above, in line with DFE guidance
- Aim to avoid large geographical gaps in provision
- To ensure that school premises are well maintained, fit for purpose and meet all relevant national standards for space and health and safety.

## **Appendix B - Map of schools and children centres:**

[https://www.hackneyservicesforschools.co.uk/sites/default/files/document/A0%20Hackney%20Schools%20Map\\_July\\_2019.1.pdf](https://www.hackneyservicesforschools.co.uk/sites/default/files/document/A0%20Hackney%20Schools%20Map_July_2019.1.pdf)

## Appendix C - Equality Impact Assessment:

<https://docs.google.com/document/d/1Kw5YbRkcybjNRQqFHBTUDLOoD4EUa9KnwvJ-wGfgfZ0/edit?ts=60c3795a>

## Appendix D - Hackney Children's Centre & Associated Sites

Planning Area A - North	Nursery	Management	Property
<b>Woodberry Down Children's Centre (Strategic Multi-Agency)</b> Spring Park Drive off Green Lanes, N4 2NP	LBH subsidised childcare places (37)	Hackney Education	LBH
<b>Hillside Children's Centre</b> 1 Leatherhead Close, Holmleigh Road, N16 5QR	LBH subsidised childcare places (41)	Hackney Education	LBH
<b>Clissold Park One O' Clock Club</b> Stoke Newington Church St, Stoke Newington, London N16 9HJ	No	Hackney Education % Woodberry Down CC	LBH
Planning Area B - North	Nursery	Management	Property
<b>Fernbank Children's Centre</b> 1A Fountayne Road, N16 7EA 020 8806 6622	LBH subsidised childcare places (60)	Jubilee School	Homerton NHS
<b>Children's Centre at Tyssen (Strategic Multi-Agency)</b> Oldhill Street, N16 6LR 020 8806 4130	LBH subsidised childcare places (52)	Tyssen School	School site
<b>Lubavitch Chen's Centre</b> 1 Northfield Road N16 5RL	LBH subsidised childcare places (37)	Lubavitch Foundation -Charity	Lubavitch Foundation
<b>Ihsan Children's Centre</b> 66-68 Cazenove Road, N16 6AA	Community nursery	North London Muslim Community Centre (NLMCC) - Charity	NLMCC
Planning Area C - Central	Nursery	Management	Property

<b>Comberton Children's Centre</b> 10 Comberton Road, E5 9PU	LBH subsidised childcare places (49)	Hackney Education	LBH
<b>Linden Children's Centre (Strategic Multi-Agency)</b> 86-92 Rectory Road, N16 7SH 020 7254 9939	LBH subsidised childcare places (58)	Hackney Education	LBH
<b>Brook Children's Centre</b> 1A Atkins Square, E8 1FA	Private nursery	Hackney Education (Linden CC leased to Roof Top private nursery)	LBH Adjacent to Mossbourne Parkside Academy
<b>Planning Area D - East</b>	<b>Nursery</b>	<b>Management</b>	<b>Property</b>
<b>Clapton Park Children's Centre &amp; Forest School</b> 161 Daubeney Road, E5 0EP 020 8986 7437	LBH subsidised childcare places (56)	Hackney Education	LBH
<b>Daubeney Children's Centre (Strategic Multi-Agency)</b> Daubeney Road, E5 0EG 020 8525 7040	Co-located nursery class	Federation of Daubeney, Sebright & Lauriston Primary Schools	Co-located with School nursery class
<b>Millfields Children's Centre</b> Elmcroft Street, E5 0SQ 020 8525 6410	Nursery ceased 2020	Millfields Primary School	Adjacent to School
<b>Children's Centre at Gainsborough</b> Berkshire Road, E9 5ND	Community nursery	Gainsborough Primary School	Adjacent to School
<b>Wentworth Nursery School &amp; Children's Centre</b> Granard House, Bradstock Road, E9 5BN	Nursery School	Wentworth Nursery School	LBH Housing Estate
<b>Planning Area E - South</b>	<b>Nursery</b>	<b>Management</b>	<b>Property</b>
<b>Minik Kardes Community Nursery &amp; Children's Centre</b> 53-55 Balls Pond Road, N1 4BW	Community Nursery	Management Committee	Management committee lease
<b>Sebright Children's Centre in Haggerston Park (Strategic Multi-Agency)</b> Haggerston Park Queensbridge Road, E2 8NP	LBH subsidised childcare places (45)	Federation of Daubeney, Sebright & Lauriston Primary Schools	LBH

<b>Comet at Thomas Fairchild Children's Centre</b> Forston Street, NI 7HX	No	Comet Nursery School	LBH/ Thomas Fairchild School site
<b>Comet Nursery School &amp; Children's Centre</b> 20 Halcomb Street, NI 5RF	Nursery School	Comet Nursery School	School site
<b>Planning Area F -South East</b>	Nursery	Management	Property
<b>Ann Tayler Children's Centre (Strategic Multi-Agency)</b> I-13 Triangle Road, E8 3RP	LBH subsidised childcare places (70)	Hackney Education	LBH
<b>Mapledene &amp; Queensbridge Children's Centre</b> 54 Mapledene Road, E8 3LE	LBH subsidised childcare places (60)	Queensbridge Primary School	LBH
<b>Morningside Children's Centre</b> Chatham Place, E9 6LL	Community nursery	Morningside Primary School	Adjacent to School

## Appendix E - [Send Needs Analysis Paper](#)