

Swindon Borough Council

Cabinet Panel on School Organisation

Wednesday, 3 February 2010

Council Chamber, Civic Offices
(Anticipated meeting room)

At 6.00 p.m.

Conservative Councillors

Roderick Bluh (Deputy)

Fionuala Foley

Peter Greenhalgh

(Deputy)

Garry Perkins

David Renard (Deputy)

Colin Lovell

Brian Mattock

Philip Young (Deputy)

Mark Edwards (Deputy)

Keith Williams

Committee Officer: Ian Willcox, 463601, iwillcox@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 463000)

AGENDA

1. Appointment of Chair.

2. Apologies for Absence.

3. Declarations of Interest.

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

4. Minutes. (Pages 1 - 4)

To receive the minutes of the meeting held on 8th July 2009.

5. Public Question Time.

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

6. Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School, Highworth. (GDC) (CM: GP) (HIG) (Pages 5 - 14)

7. **The Permanent Expansion of St Francis Church of England Primary School.** (GDC) (CM: GP) **(AM)** (Pages 15 - 20)

8. **The Addition of an ASD Unit at Greendown School.** (GDC) (CM: GP) **(F & GP); (T & W);** (Pages 21 - 60)

Date of Despatch: 26 January 2010

Key:

Officers:

CE	-	Chief Executive
DCE /		Deputy Chief Executive and Group Director: Environment and
GDER		Regeneration
GDC		Group Director: Children
GDHSC	-	Group Director: Housing & Social Care
GDBT	-	Group Director: Business Transformation
DAP-C	-	Director of Access and Provision - Children
DLDS-B	-	Director of Law and Democratic Services - Business

Wards

AM	-	Abbey Meads
F&GP	-	Freshbrook and Grange Park
HIG	-	Highworth
T&W	-	Toothill and Westlea

Cabinet Members Responsible for the Service Area concerned:

RB	-	Roderick Bluh	Leader of the Council and Chair of Cabinet
FF	-	Fionuala Foley	Deputy Leader of the Council and Vice-Chair of Cabinet
ME	-	Mark Edwards	Cabinet Member for Finance and Benefits
PG	-	Peter Greenhalgh	Cabinet Member for Sustainability, Transport and Strategic Planning
CL	-	Colin Lovell	Cabinet Member for a Safer and Stronger Borough
BM	-	Brian Mattock	Cabinet Member for Connecting People, Connecting Places
GP	-	Garry Perkins	Cabinet Member for Children's Services
DR	-	David Renard	Cabinet Member for Health, Housing and Adult Social Care
KW	-	Keith Williams	Cabinet Member for Leisure and Corporate Services
PY	-	Philip Young	Cabinet Member for Culture, Regeneration and Economic Development

Role / Terms of Reference - *The Cabinet Panel on School Organisation (a Sub-Committee of Cabinet) was established by Cabinet in June 2007 to deal with issues of School Organisation. This followed changes in legislation that led to School Organisation Committees being abolished.*

The Panel comprises of any 5 members of Cabinet for each meeting, will consider the outcomes of consultation across a range of school organisation issues such as school expansions, closures and opening of new schools subject to "competition regulations".

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

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CABINET PANEL ON SCHOOL ORGANISATION

WEDNESDAY, 8 JULY 2009

PRESENT:- Councillors Fionuala Foley (Chair), Garry Perkins, Brian Mattock and Keith Williams.

An apology for absence was received from Councillor Colin Lovell.

Councillor Mark Edwards attended the meeting in respect of Minute 14.

10. Appointment of Chair

Resolved – That Councillor Fionuala Foley Chair this meeting of the Panel.

Councillor Foley took the Chair.

11. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

Councillors Mark Edwards, Garry Perkins, David Renard and Keith Williams made personal declarations of interest in respect of Agenda Item 6 (The Permanent Expansion of St. Francis Church of England Primary School) as they served as school governors to schools in the Borough.

Councillor Keith Williams made a further personal declaration of interest in respect of Agenda Item 6, as he was a member of the Holy Trinity Church, Shaw.

12. Minutes

Resolved – That the minutes of the meeting held on 20th October 2008, be confirmed as a correct record.

13. Public Question Time

No questions were asked in accordance with Standing Order 28.

14. The Permanent Expansion of St Francis Church of England Primary School

The Group Director, Children submitted a report concerning the proposal by St. Francis Church of England Primary School, Taw Hill, Swindon, to permanently expand the School by one form of entry to provide sufficient classroom space to sustain a long-term increase in admission numbers resulting from the development of North Swindon.

The Director of Access and Provision, Mr. Ian Bickerton, outlined the background to the proposal, referred to the consultation process undertaken by the School and the Council, and highlighted the key aspects of the report. He also

circulated a supplementary information report concerning the need for the scheme to gain planning permission, and for an agreement to be reached with developers for the change of use of certain areas of land to enable the extension of the School.

Mr. Clive Westall, Headteacher, and Mr. Richard Barrass, Governor, St. Francis Church of England Primary School, explained in detail the proposal for the permanent expansion of the School, and commented on the favourable response to the pre-statutory consultation exercise that had been undertaken on the proposals. It was noted that there had been no negative responses received following the publication of the Statutory Notice on the proposed expansion of the School. Mr. Westall referred to the benefits to the School and to the local community associated with the implementation of the proposals.

The Director of Access and Provision, explained that, subject to the Panel's approval, the physical expansion of the site, and therefore of the school, would be dependent on the approval of planning permission, and the successful conclusion of negotiations with Taylor Wimpey Ltd. on the change of use of land required for the new school layout. He also highlighted the excellent partnership working there had been on this project between the school, Bristol Diocese and the Local Authority.

The Chair asked Mr. Westall if he believed, given the lack of response to the Statutory Notice, there was real support for the proposals. Mr. Westall commented that, because of the overwhelming support given by the School community at the Pre-Statutory stage, he believed there was a high level of support for the proposals locally, and that it was this high positive response rate that may have impacted on the response rate to the subsequent publication of the Statutory Notice.

Councillor David Renard, Cabinet Member for Health, Housing and Adult Social Care, asked whether the School believed its "central facilities" would be capable of supporting an expanded School with an increased number of pupils. Mr. Westall advised on the School's plans, as part of the overall proposals, to expand its main hall and to increase office accommodation to equip it to deal with the increase in pupil numbers.

The Chair of the Cabinet Panel announced that Cabinet Panel would withdraw for a short period to consider its decision without Children's Services Officers. The Cabinet Panel then withdrew. The Cabinet Panel later returned and the recommendation was put to the vote.

Resolved – That the Cabinet Panel on School Organisation approves the proposals, as set out in the Statutory Notice attached as Appendix 2 to the report of the Group Director, Children, to permanently expand St. Francis Church of England Primary School, Taw Hill, Abbey Meads, Swindon, by one form of entry, subject to the granting of Planning Permission and agreement with the Developers for the change of use of relevant parts of the land to enable the extension of the current building by 31st March 2010.

The Chair then read out the following reasons for the Cabinet Panel's decision:

In reaching its decision the Cabinet Panel carefully considered the report by the Group Director, Children and the representations made at the meeting by Council officers, and the School.

The Cabinet Panel was satisfied that it had before it the necessary information in order to make the decision. The Cabinet Panel was also satisfied that the published Notice complied with statutory requirements and that the statutory consultation was carried out properly prior to the publication of the Notice. The Cabinet Panel did not feel that the proposals related to any other published proposal.

In reaching its decision the Cabinet Panel carefully considered the factors to be considered by decision makers as set out in the statutory guidance from the Department for Children, Schools and Families entitled 'Expanding a Maintained Mainstream School or Adding a Sixth Form'.

The Cabinet Panel's reasons for its decision based on the following relevant factors from the above Department for Children, Schools and Families guidance are as follows:

Creating Additional Places

The Cabinet Panel felt that there was strong evidence to support the need to create additional places at St. Francis Church of England School in order to enable parents within the Swindon Northern Sector to obtain a place within a local school, bearing in mind that there is no other spare capacity within the other schools in the Northern Sector, and the identified increasing demand for places in the Northern Sector from September 2010, as set out in the table at Paragraph 2.17 in the report of the Group Director, Children.

Affect on Standards and School Improvement

The proposals will match school place supply as close as possible to pupils and parents needs and wishes, and achieve the Government's and the Council's aim to ensure that every child receives an excellent education. St. Francis Church of England School is maintaining the high standards it has been achieving since the opening of the school whilst numbers have increased and the variety of need within each cohort has changed.

Expansion of Successful and Popular Schools

St. Francis Church of England School has a history of over subscription of admissions that highlights its popularity with parents. The School was judged by OFSTED to be good during an OFSTED inspection in November 2008.

Travel and Accessibility for All

The proposals will not have the effect of unreasonably extending journey times or increasing transport costs. If the proposals did not proceed due to the demand for places in the Northern Sector area there would be an increase of transport costs and an extension of journeys for parents.

Capital Funding

The Cabinet Panel is satisfied that any capital funding required to implement

the proposals will be available. The Cabinet Panel is satisfied that the proposals will not affect the current level of Special Educational Needs Provision in that St. Francis Church of England School will continue to offer a range of provision to respond to the needs of the individual children.

Views of Interested Parties

The Cabinet Panel considered the views of interested parties, as expressed in the pre-statutory consultation, and noted that there was a significant majority in support of the proposals. It was also noted that there had been no objections or comments made to the Statutory Notices.

(Councillors Mark Edwards, Garry Perkins, David Renard and Keith Williams made personal declarations of interest in respect of the above item as they served as school governors to schools in the Borough. Councillor Keith Williams made a further personal declaration of interest, as he was a member of the Holy Trinity Church, Shaw.)

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

CABINET PANEL

Date: 3 February 2010

Author: Cabinet Member for Children Services and Group Director, Children

Parish / Wards Affected: Highworth

Purpose

To report on the outcome of the Statutory Representation period on the proposal to close Northview Primary School and expand Westrop Primary School in response to the fall in pupil numbers in Highworth

Recommendations

Cabinet Panel is requested to:

- consider the responses set out in this report and the attached Statement of Case to the Statutory Representation period carried out into the proposed closure of Northview Primary School and the permanent expansion of Westrop Primary School, and consider also the option of temporarily using accommodation at the Northview School site for a split site expansion of Westrop School;
- approve the proposals as set out in the statutory notice attached in **Section 2 of the Statement of Case** to close Northview Primary School and permanently expand Westrop Primary School by up to ½ form of entry from September 2010;
- make a final decision regarding the option of temporarily using accommodation at the Northview School site for a split site expansion of Westrop School, as referred to above.

1. Reasons

- 1.1 The aim of the proposed closure of Northview Primary School and the permanent expansion of Westrop Primary School is to address the existing and forecast increasing number of surplus places in Highworth and in Northview Primary School in particular.
- 1.2 *This covering report is only a summary of some of the key issues. The detailed information is set out in the **attached** Statement of Case.*

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

CABINET PANEL

Date: 3 February 2010

2. Detail

Background

- 2.1 As reported to the May and October 2009 meetings of the Cabinet, pupil numbers are forecast to significantly decline in the Highworth area over the coming years. As at September 2009, the level of surplus places across the Highworth Cluster of Primary schools was 19%.
- 2.2 However, this is projected to increase to 29% in Highworth by September 2013. Overall, the four schools in Highworth have the capacity to offer 812 school places. The demand for these places is expected to decrease to 579 by September 2013, leaving 233 places unoccupied by that date. The trend analysis indicates that pupil numbers will continue to decline beyond 2013, as shown in **Section 1 of the Statement of Case**.
- 2.3 The level of surplus capacity in Northview Primary School in September 2009 was 68% and is forecast to increase to 85% by September 2013. For the September 2009 Reception admissions, there were three pupils entering the School, although there are 30 places available in Reception. As at the October 2009 census return, there are 68 pupils in Northview Primary School, with 210 places available.
- 2.4 At a special meeting on 20 May 2009, the Cabinet initially considered a proposal to close Northview Primary School and for the permanent expansion of Westrop Primary School and authorised the Group Director, Children to consult with parents, staff and Governors of Northview and Westrop Primary Schools on the proposal (the pre-statutory consultation).
- 2.5 A copy of the report to the Cabinet is attached in **Section 7 of the Statement of Case**.

Pre-statutory Consultation Period

- 2.6 The Department for Children, Schools and Families (DCSF) describes five key stages in making changes to schools. These are:

Consultation (Pre-statutory)
Publication
Representation Period (Statutory)
Decision
Implementation

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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- 2.7 The Local Authority's pre-statutory consultation process ran from 3 July 2009 to 30 September 2009. The Local Authority consultation document was sent to parents, staff and Governors of Northview and Westrop Primary Schools. In addition to the consultation document, letters informing the community of the proposal and inviting comments were sent to every household in Highworth, together with a number of other key stakeholders. The consultation document and letters are attached in **Section 6 of the Statement of Case.**
- 2.8 Formal consultation meetings were held for parents and carers (two meetings) and for staff and Governors on 6 July 2009 at Westrop Primary School and 9 July 2009 at Northview Primary School. A further two meetings were held for the community on 8 and 10 September 2009 at Westrop and Northview Primary Schools respectively.
- 2.9 The outcomes of the pre-statutory consultation were presented to the Cabinet at its meeting on 21 October 2009. The Cabinet agreed that Statutory Representation should be carried out on the proposal that Northview Primary School should be closed and Westrop Primary School should be expanded by up to ½ form of entry with effect from September 2010. The report to Cabinet is attached in **Section 7 of the Statement of Case.**

Statutory Representation Process

- 2.10 The Local Authority's Statutory Representation process ran from 9 November 2009 to 18 December 2009 and involved the publication and display of a Statutory Notice. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensures that the Cabinet Panel will take them into account. The Statutory Representation period has now been completed and copies of the letters of support and objection are set out in **Section 5 of the Statement of Case.**
- 2.11 Notices were published in the Swindon Advertiser, at the school gates and at community facilities in Highworth and sent to the relevant stakeholders identified by the Education & Inspections Act 2006 and the School Organisation Regulations 2007, on 9 November 2009.

Views of interested parties

- 2.12 The views expressed by interested parties during the statutory consultation phase are attached in **Section 5 of the Statement of Case.**

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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- 2.13 There have been 537 objections from parents, staff, Governors and residents of Highworth. There were, in addition, three responses in support, from the Cluster of Highworth Head Teachers (not including Northview Primary School), Westrop Primary School and an individual resident of Highworth. *Copies of the responses returned will be available in the Members' Room and at the meeting.*
- 2.14 As indicated above, a substantial number of responses were received during the Statutory Representation period, and many of the issues were very similar to those raised during the pre-statutory consultation and reported to Cabinet in October 2009.
- 2.15 Details of the responses are set out in the Statement of Case and Cabinet Panel is asked to consider these carefully. The Local Authority's responses to key issues raised are also set out in **Section 5 of the Statement of Case.**

Split Site Arrangements

- 2.16 The public notices, published during the statutory consultation and set out in **Section 2 of the Statement of Case**, included the option of temporarily using accommodation at the Northview Primary School site for a split site expansion of Westrop Primary School.
- 2.17 The majority of comments received on the split site proposal were against the option due to the difficulties raised by having siblings attending the different sites and concern that children from Westrop Primary School might be transferred to Northview.
- 2.18 Details of the responses are set out in the Statement of Case and Cabinet Panel is asked to consider these carefully.

Rural Schools

- 2.19 All the primary schools in Highworth are designated as "rural" schools by the DCSF. The DCSF classifies schools as "urban" or "rural" depending on whether the majority of the population falls inside a settlement of population of 10,000 or more. The Education & Inspections Act 2006 requires that a Local Authority or Governing Body, when considering proposing the closure of a rural primary school, *must* consider the following matters as part of formulating their proposals:

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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- The likely effect of the discontinuance of the school on the local community;
- The availability and likely cost to the Local Authority of transport to other schools;
- Any increase in the use of motor vehicles that is likely to result from the discontinuance of the school and the likely effects of any such increase;
- Any alternatives to the discontinuance of the school.

- 2.20 In addition, the Decision Makers' Guidance states:
"In considering statutory proposals to close a rural school, the Decision Maker should have regard to the need to preserve access to a local school for rural communities. There is, therefore, a presumption against the closure of rural schools. This does not mean that a rural school should never close but the case for closure should be strong and the proposals clearly in the best interests of educational provision in the area."
- 2.21 The key factors for considering closure of Northview Primary as a rural school are set out in **Section 1 of the Statement of Case**. In particular, the Cabinet Panel's attention is drawn to the Halcrow study on the traffic implications (**attached** to Section 1 of the Statement of Case) and the conclusion that the closure of Northview Primary School would not create a significant change in traffic flows and queues in the town.

Conclusions

- 2.22 The very large majority of the responses received to the statutory consultation were against the proposal to close Northview Primary School and expand Westrop Primary School (see **Section 5.2 of the Statement of Case**). It is fully understood that there are strong feelings within both the Northview School and wider local communities about the proposed closure. There are concerns, for example, about the travelling and traffic implications, the loss of a school to the local community and the future use of the Northview site. All these and other issues raised are addressed elsewhere in the Statement of Case and in the attached reports to the Cabinet in May and October 2009.
- 2.23 It is fully appreciated that there have been many objections to this proposal from the local community and proposing the closure of a school is never an easy option. Nevertheless, it remains the view of officers that there is still a strong case for this proposal, in the light of forecast pupil numbers and the very large and increasing number of surplus places at Northview Primary School. Current forecasts continue to indicate less than 40 pupils would be at Northview Primary School in a few years' time,

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

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taking into account that it is designed for 210 pupils. The proposal would still mean that there were 3.5 forms of entry available in Highworth, even though there is forecast to be a requirement for less than three forms of entry by September 2011. There is also strong concern that Northview is not financially sustainable in the longer-term. The Cabinet Panel's attention on these issues is drawn particularly to **Sections 1, 4 and 5.1 of the Statement of Case.**

Alternative Options

The main alternative is not proceeding with the proposal to close Northview Primary School and expand Westrop Primary School. However, by taking this action, the issue of reducing the number of surplus places in Highworth will still require a solution and an alternative will be required.

A number of alternative options have been considered in detail to address the growing number of surplus primary places in the Highworth area and these were reported to the May 2009 and October 2009 meetings of Cabinet. These include:

- (1) Reduce the size of Northview Primary School from 1FE to ½ FE;
- (2) Amalgamate Westrop and Northview Primary Schools into a single, 1½ FE primary school based on the two existing sites;
- (3) Federate Westrop and Northview Primary Schools on the two existing sites and reduce the overall admission number in order to remove ½ FE;
- (4) Reduce the size of Eastrop Infant and Southfield Junior Schools by ½ FE each, so that both Schools became 1½ FE schools;
- (5) Amalgamate Eastrop Infant and Southfield Junior Schools into a 1½ FE.

Further detail on the alternative options are attached in **Section 1 of the Statement of Case.**

Risk Management

Financial and Procurement Implications

- The costs of publishing statutory proposals are contained within the Access & Provision Directorate cash limit.
- A breakdown of the financial implications of the proposal and alternative options are set out in **Section 4 of the Statement of Case.** This analysis shows that, were Northview Primary School to remain open (Option 1), it is forecast that there would be a cumulative budget deficit of £762k by 2014/15. On the other hand, it will be seen that the other three options, involving the closure of Northview, generate a forecast saving of between £72k and £140k by 2014/15. The Halcrow report on the traffic implications of the proposal (**attached** as an Annex to **Section 1 of the Statement of Case**) indicates that:

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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- o the closure of Northview Primary School would not create a significant change in traffic flows and queues in the town (paragraph 6.2.1);
- o a scheme to convert the St Michaels Avenue/A361 junction to a roundabout would not be required (paragraph 6.2.2).

In relation to the second bullet point, this would mean that there would be an additional saving on Options 2, 3 and 4 (involving the closure of Northview) of £16k, as reported in October 2009 (see **Section 4 of the Statement of Case**).

Legal / Human Rights Implications

The proposal to close Northview Primary School and expand Westrop Primary School is required under the Education & Inspections Act 2006 to follow a five-stage statutory process, as set out below:

1. The Local Authority is required to carry out a pre-statutory consultation
2. The Local Authority decide whether to publish proposals
3. 6 week period for representations (i.e. objections or comments)
4. Cabinet Panel decides on proposals
5. Implementation if proposals proceed

There is a right of appeal against the Cabinet Panel decision to the Office of the Schools Adjudicator, but only by the Local Church of England Diocese, the Bishop of the local Roman Catholic Diocese or the Governing Body or Trustees of a Foundation, Trust or Voluntary-Controlled School. Any appeal must be made within one month. There is no statutory timescale for the Schools Adjudicator to decide.

The Cabinet Panel must follow DCSF Guidance entitled 'Decision Makers Guidance for Expanding a Maintained Mainstream School'.

The Guidance states that the Cabinet should consider before judging respective factors and the merits of proposals:

- A. Is any information missing?
- B. Does the published notice comply with statutory requirements?
- C. Has the statutory consultation being carried out prior to the publication of the notice?
- D. Are the proposals linked or related to other published proposals

The Guidance then sets out in paragraphs 4.16 to 4.64 factors that must be considered by Cabinet in reaching the decision.

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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The Guidance states that all decision makers must give reasons for their decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

Staffing Implications

In relation to the staffing implications of this proposal, these would essentially be as follows:

- Westrop Primary School Head Teacher would be confirmed as Head Teacher of expanded school.
- Staff at Westrop Primary School should be unaffected.
- The Head Teacher and Assistant Head at Northview Primary School have currently been seconded from another Swindon school and the Authority. Other staff at Northview Primary School are potentially at risk of redundancy. However, the Authority would do everything possible to seek to redeploy other staff within other Highworth and Swindon schools or the Council – there is a financial incentive for schools to redeploy redundant staff and the Authority would develop an employee assistance programme.

Equality Implications

Attached in **Section 8 of the Statement of Case** is a Final Diversity Impact Assessment.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

The recommendations are in line with Swindon 2010 Promise 20 (Our secondary schools will ensure that over 86% of young people achieve 5 A* to G GCSEs in 2006 and our primary schools will ensure that 80% or more of our children achieve Level 4 at Key Stage 2 in English and maths in 2006) and Theme 1 of Destination Swindon (Swindon's young people have high aspirations and are consistently achieving well)

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- There has been widespread consultation undertaken on these proposals as set out above in the body of the report. Stakeholders consulted include:
 - Parents
 - Staff
 - Governors

Further information on the subject of this report can be obtained from Ian Bickerton, Director of Access & Provision, 465724 or Email ibickerton@swindon.gov.uk.

Proposal for the Closure of Northview Primary School and the Permanent Expansion of Westrop Primary School

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- Local residents
- Ward Councillors
- Local Member of Parliament.
- Teacher and Support Staff Unions
- Department for Children Schools and Families

Background Papers and Appendices

Annex 1 – Statement of Case. Proposal to close Northview Primary School and expand Westrop Primary School

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The Permanent Expansion of St Francis Church of England Primary School

CABINET PANEL

Date: 3rd February 2010

Author: Cabinet Member for Children's Services and Group Director, Children

Parish / Wards Affected: Abbey Meads

Purpose

- To modify the date of conditions as set out in the decision to expand St Francis Church of England Primary School.

Recommendation

The Cabinet Panel is requested to

- Modify the conditional date referring to planning permission to be granted in order to permanently expand St Francis Church of England Primary School.

1. Reasons

- 1.1 The aim of the permanent expansion is to provide sufficient classroom space at St Francis Church of England Primary School to sustain a long-term increase in admission numbers.

2. Detail

- 2.1 At its meeting of 8th July 2009 the Cabinet Panel approved the proposal to permanently expand St Francis Church of England Primary School by one form of entry.
- 2.2 The decision was subject to the following condition: that the granting of Planning Permission and agreement with the Developers for the change of use of relevant parts of the land to enable the extension of the current building being achieved by 31st March 2010. A copy of the agreed minute of the meeting is attached as **Appendix 1**.
- 2.3 Negotiations have been taking place between Swindon Borough Council and Taylor Wimpey (the developers) for the change of use of relevant parts of the site. Agreement between both parties was secured in principle on 17th December 2009.
- 2.4 The agreement will allow the expansion of the school to proceed. However, a modification to the original date of the condition is sought to a later date of 31st December 2010 to enable the proposed extension to proceed through the planning process.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Permanent Expansion of St Francis Church of England Primary School

CABINET PANEL

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Alternative Options

- If a modification is not granted there will not be adequate time for the proposed extension to proceed through the planning process. If a condition is not met by the date specified, the proposals should be referred back to the decision maker for fresh consideration.
- If additional places are not provided in North Swindon there will be a shortfall and this will have an impact on parental preference and rise in the number of appeals.

Risk Management

Financial and Procurement Implications

There are no direct financial or procurement implications as a result of this report

Legal / Human Rights Implications

The Cabinet must follow Department for Children, Schools and Families Guidance entitled "Decision Makers Guidance for Expanding a Maintained Mainstream School".

The Guidance states that the decision maker (Cabinet Panel) must set a date by which the condition should be met, but will be able to modify the date if proposers confirm, before the date expires, that the condition will be met later than originally thought.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

There is a link to the Strategic Management Plan for Children Services and the proposed expansion would support Council Promises 20 and 45. The scheme links to Theme 1 Swindon's young people have high aspirations and are consistently achieving well.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- Appendix 1 – Copy of the Cabinet Panel Minutes dated 8th July 2009

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

CABINET PANEL ON SCHOOL ORGANISATION

WEDNESDAY, 8 JULY 2009

14. The Permanent Expansion of St Francis Church of England Primary School

The Group Director, Children submitted a report concerning the proposal by St. Francis Church of England Primary School, Taw Hill, Swindon, to permanently expand the School by one form of entry to provide sufficient classroom space to sustain a long-term increase in admission numbers resulting from the development of North Swindon.

The Director of Access and Provision, Mr. Ian Bickerton, outlined the background to the proposal, referred to the consultation process undertaken by the School and the Council, and highlighted the key aspects of the report. He also circulated a supplementary information report concerning the need for the scheme to gain planning permission, and for an agreement to be reached with developers for the change of use of certain areas of land to enable the extension of the School.

Mr. Clive Westall, Headteacher, and Mr. Richard Barrass, Governor, St. Francis Church of England Primary School, explained in detail the proposal for the permanent expansion of the School, and commented on the favourable response to the pre-statutory consultation exercise that had been undertaken on the proposals. It was noted that there had been no negative responses received following the publication of the Statutory Notice on the proposed expansion of the School. Mr. Westall referred to the benefits to the School and to the local community associated with the implementation of the proposals.

The Director of Access and Provision, explained that, subject to the Panel's approval, the physical expansion of the site, and therefore of the school, would be dependent on the approval of planning permission, and the successful conclusion of negotiations with Taylor Wimpey Ltd. on the change of use of land required for the new school layout. He also highlighted the excellent partnership working there had been on this project between the school, Bristol Diocese and the Local Authority.

The Chair asked Mr. Westall if he believed, given to lack of response to the Statutory Notice, there was real support for the proposals. Mr. Westall commented that he believed because of the overwhelming support given by the School community at the Pre-Statutory stage, he believed there was a high level of support for the proposals locally, and that it was this high positive response rate that may have impacted on the response rate to the subsequent publication of the Statutory Notice.

Councillor David Renard, Cabinet Member for Health, Housing and Adult Social Care, asked whether the School believed its "central facilities" would be capable of supporting an expanded School with an increased number of pupils. Mr. Westall advised on the School's plans, as part of the overall proposals, to expand its main hall and to increase office accommodation to equip it to deal with the increase in pupil numbers.

The Chair of the Cabinet Panel announced that Cabinet Panel would withdraw for a short period to consider its decision without Children's Services Officers. The Cabinet Panel then withdrew. The Cabinet Panel later returned and the recommendation was put to the vote.

Resolved – That the Cabinet Panel on School Organisation approves the proposals, as set out in the Statutory Notice attached as Appendix 2 to the report of the Group Director, Children, to permanently expand St. Francis Church of England Primary School, Taw Hill, Abbey Meads, Swindon, by one form of entry, subject to the grant of Planning Permission and agreement with the Developers for the change of use of relevant parts of the land to enable the extension of the current building by 31st March 2010.

The Chair then read out the following reasons for the Cabinet Panel's decision:

In reaching its decision the Cabinet Panel carefully considered the report by the Group Director, Children and the representations made at the meeting by Council officers, and the School.

The Cabinet Panel was satisfied that it had before it the necessary information in order to make the decision. The Cabinet Panel was also satisfied that the published Notice complied with statutory requirements and that the statutory consultation was carried out properly prior to the publication of the Notice. The Cabinet Panel did not feel that the proposals related to any other published proposal.

In reaching its decision the Cabinet Panel carefully considered the factors to be considered by decision makers as set out in the statutory guidance from the Department for Children, Schools and Families entitled 'Expanding a Maintained Mainstream School or Adding a Sixth Form'.

The Cabinet Panel's reasons for its decision based on the following relevant factors from the above Department for Children, Schools and Families guidance are as follows:

Creating Additional Places

The Cabinet Panel felt that there was strong evidence to support the need to create additional places at St. Francis Church of England School in order to enable parents within the Swindon Northern Sector to obtain a place within a local school, bearing in mind that there is no other spare capacity within the other schools in the Northern Sector, and the identified increasing demand for places in the Northern Sector from September 2010, as set out in the table at Paragraph 2.17 in the report of the Group Director, Children.

Affect on Standards and School Improvement

The proposals will match school place supply as close as possible to pupils and parents needs and wishes, and achieve the Government's and the Council's

aim to ensure that every child receives an excellent education. St. Francis Church of England School is maintaining the high standards it has been achieving since the opening of the school whilst numbers have increased and the variety of need within each cohort has changed.

Expansion of Successful and Popular Schools

St. Francis Church of England School has a history of over subscription of admissions that highlights its popularity with parents. The School was judged by OFSTED to be good during an OFSTED inspection in November 2008.

Travel and Accessibility for All

The proposals will not have the effect of unreasonably extending journey times or increasing transport costs. If the proposals did not proceed due to the demand for places in the Northern Sector area there would be an increase of transport costs and an extension of journeys for parents.

Capital Funding

The Cabinet Panel is satisfied that any capital funding required to implement the proposals will be available. The Cabinet Panel is satisfied that the proposals will not affect the current level of Special Educational Needs Provision in that St. Francis Church of England School will continue to offer a range of provision to respond to the needs of the individual children.

Views of Interested Parties

The Cabinet Panel considered the views of interested parties, as expressed in the pre-statutory consultation, and noted that there was a significant majority in support of the proposals. It was also noted that there had been no objections or comments made to the Statutory Notices.

(Councillors Mark Edwards, Garry Perkins, David Renard and Keith Williams made personal declarations of interest in respect of the above item as they served as school governors to schools in the Borough. Councillor Keith Williams made a further personal declaration of interest, as he was a member of the Holy Trinity Church, Shaw.)

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The Addition of an ASD Unit at Greendown School

CABINET PANEL

Date: 3rd February 2010

Author: Cabinet Member for Children's Services and Group Director, Children

Parish / Wards Affected: Freshbrook & Grange Park, Toothill & Westlea

Purpose

To permanently expand Greendown School for the addition of provision that is recognised by the Local Authority as reserved for pupils with Special Educational Needs (SEN).

Recommendation

The Cabinet Panel is requested to

- Approve the proposals, as set out in the Statutory Notice attached as Appendix 2, to permanently expand Greendown School for the addition of provision that is recognised by the Local Authority as reserved for pupils with Special Educational Needs (SEN), subject to a modification that the implementation date will be from 1 September 2010, and subject to Planning permission being granted by 31 August 2010.

1. Reasons

- 1.1 The School Organisation (Prescribed Alterations to maintained Schools)(England) Regulations 2007 set out the alterations to school premises that can be made by governing bodies and Local Authorities (LAs). The changes to community, voluntary aided, voluntary controlled and foundation schools, which require statutory proposals, that are covered by this guide includes the addition, change or removal of provision that is recognised by the LA as reserved for pupils with (SEN).
- 1.2 The Local Authority requires additional provision that is reserved for pupils with Special Educational Needs in order to provide support for pupils on the Autistic Spectrum within Swindon (ASD). This prevents the need for pupils to be sent out of Borough for their secondary education provision, therefore reducing revenue expenditure, it also provides for greater inclusion and access for pupils within the existing school community, leading to greater community cohesion between SEN and mainstream pupils.

2. Detail

- 2.1 The Department for Children, Schools and Families describes five key stages in making changes to schools. These are:

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

CABINET PANEL

Date: 3rd February 2010

Consultation (Pre-statutory)
Publication
Representation Period (Statutory)
Decision
Implementation.

- 2.2 Following a Cabinet Member Briefing Note dated 8th September 2009, a pre statutory consultation was carried out on a proposal to expand provision at Greendown School from the 18th September 2009 to 6th November 2009. A copy of the pre statutory consultation document is attached as appendix 1. As part of the process a public meeting was held at Greendown School with relevant stakeholders on the 12th October 2009 to examine the proposal.
- 2.3 The Local Authority's statutory representation process ran from 9 November 2009 to 18 December 2009. The representation period is the final opportunity for people and organisations to express their views about the proposals, and ensures that the Cabinet Panel will take them into account. The Statutory Representation period has now been completed and the letters of support and objection are set out in the Statement of Case.
- 2.4 Notices were published in the Swindon Advertiser, at the school gates, and sent to the relevant stakeholders identified by the Education and Inspections Act 2006 and the School Organisation Regulations 2007, on the 9 November 2009. A copy of the public notice is attached at **Appendix 2**. A copy of the full proposal for the statutory consultation stage is attached as **Appendix 3**.
- 2.5 There were no objections or letters of support received during the statutory representation process.
- 2.6 The notice published stated an implementation date of 1 January 2009 for the permanent addition of the ASD Unit. The indicative date for the development of the new school site is now August 2010. Temporary provision within the school has been made for the 3 pupils this academic year.

Key Factors in relation to the proposal

- 2.7 The Department for Children, Schools and Families Decision Makers Guidance for the Expansion of Maintained Mainstream Schools, attached at **Appendix 4**, requires that full consideration must be given to a number of Key Factors below. The officers' views on the key factors are set out below.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

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Date: 3rd February 2010

A System Shaped by Parents

- 2.8 The Local Authority is responding to the Government's wish to see a dynamic system in which the best schools are able to expand and spread their ethos and success.
- 2.9 The Local Authority is under a specific duty to respond to representations from parents about the provision of new schools, including requests to establish new schools or make changes to existing schools.

Standards

- 2.10 This Special Resource Provision (SRP) would provide pupils with specialised individual and small group tuition planned to meet their particular needs while also providing opportunities for learning alongside their peers in mainstream classrooms with appropriate support. This specifically tailored programme of learning and teaching will be designed to allow these young people to achieve their potential and achieve the highest possible educational standards.

Diversity

- 2.11 The Local Authority will be able to provide a range of provision and support that can respond to the individual needs of pupils and parents preferences.

Every Child Matters

- 2.12 The proposal will help children and young people achieve their potential in accordance with the five Every Child Matters Principals which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. The School will be able to develop measures to address barriers to participation and support for children and young people with particular needs.

Expansion of Successful and Popular Schools

- 2.13 Greendown School has a history of oversubscription for admissions, which highlights the popularity of the school with parents. The School was judged to be good by Ofsted in June 2008.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

CABINET PANEL

Date: 3rd February 2010

Travel and Accessibility for All

- 2.14 The proposals will not have the effect of unreasonably extending journey times or increasing transport costs. The proposals will provide accessible school places in an area where there is a great demand. Therefore, facilities will be accessible by those concerned, by being located close to those who will use them.

Capital

- 2.15 Capital required to implement the proposals is available. The funding has been secured from the following sources:
- Targeted Capital Funding (14 -19, SEN & Disabilities) amounting to £600K and £80K of corporate resources will support the capital works to make the provision fit for purpose.

Views of Interested Parties

- 2.16 The Local Authority has received 4 responses during the pre statutory consultation period. All responses were in support of the proposal.

Special Educational Needs (SEN) Provision

- 2.17 National and local data confirms and increasing number of children and young people with a diagnosis of ASD and our established ASD SRP at Kingsdown School cannot offer enough places to match identified need. SRPs are designed to meet the needs of children and young people who without such provision would not be able to access a mainstream curriculum. They provide a specialist but inclusive learning environment for pupils with significant difficulties.

Conclusion

- 2.18 In common with most Local Authorities we have seen a large increase in the numbers of children being diagnosed with autism. In five years the numbers of pre school age children with severe and complex difficulties on the autistic spectrum have doubled. As many of our children with special educational needs as possible should be educated within our special needs provision in Swindon; and currently too many children with autism are placed outside the Borough.
- 2.19 The cost of providing out of Borough provision is a concern because it diverts money away from improving schools in Swindon. However, also of concern are the long journeys some children have to reach school and the difficulty of monitoring the quality of this provision. The LA currently has

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

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one Special Resource Provision in a mainstream secondary school, which caters for children with autism. However, this provision is oversubscribed.

- 2.20 Although the Greendown site requires refurbishment to make it fit for purpose, the proposed size of the unit is for a total of 15 places when full, approximately 3 students per year group.
- 2.21 As has been shown in the report, there is support for the proposal that have been expressed in the consultation and Greendown School is required to meet the increase in demand for places from Swindon.
- 2.22 This report in sections 2.7 to 2.16 addresses the Key Factors set out in the Department for Children, Schools and Families Decision Makers Guidance

Alternative Options

- The alternative option would be not to provide the additional SEN provision. However, potentially children would then need to be sent out of Borough for their secondary education provision leading to increased revenue expenditure.

Risk Management

Financial and Procurement Implications

The costs of publishing statutory notices are contained within the Access and Provision Directorate Cash Limit

The out of Borough budgets within Children Services (funded through the Council's General Fund and Dedicated Schools Grant) are already forecasting a significant overspend, failure to deliver this provision will increase the need for out of borough placements and therefore, limit the ability to invest in early intervention to prevent young people going into an out of borough provision.

Targeted Capital Funding (TCF) amounting to £600K TCF and £80K of corporate resources will support the capital works to make the provision fit for purpose. The ongoing revenue costs will be met from the individual schools budget from 2011/12.

The estimated revenue cost for educating children at the equivalent unit based at Kingsdown School is £20.1K per annum and at Farleigh College, Frome is £126K per annum. The estimated saving between the in and out of Borough provision is £105.9K per annum.

The works are included in Swindon Commercial Services Core Basket of works as per a briefing note of the 28th July 2009.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

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Date: 3rd February 2010

Legal / Human Rights Implications

The proposals to permanently expand Greendown School for the addition of provision that is recognised by the Local Authority as reserved for pupils with Special Educational Needs (SEN) are required under the Education and Inspection Act 2006 to follow a 5 stage statutory process as set out below:

1. The Local Authority of the school is required to carry out a pre-statutory consultation.
2. The Local Authority of the school decide whether to publish proposals
3. 4 weeks period for representations (i.e. objections or comments)
4. Cabinet Panel decides on the proposals.
5. Implementation if proposals approved.

There is a right of appeal against the Cabinet decision to the Adjudicator but only by the Local Church of England Diocese or The Bishop of the Local Roman Catholic Diocese or the Governing Body or Trustees of a Foundation, Trust or Voluntary Controlled School. Any appeal must be made within 1 month. There is no statutory timescale for the Adjudicator to decide.

The Cabinet must follow DCSF Guidance entitled "Decision Makers Guidance for Expanding a Maintained Mainstream School"

The Guidance states that the Cabinet should consider before judging respective factors and merits of the proposals:

- A. Is any information missing?
- B. Does the published notice comply with statutory requirements.
- C. Have the statutory consultation been carried out prior to the publication of the notice?
- D. Are the proposals linked or related to other published proposals?

The Guidance then sets out in paragraphs 4.16 to 4.64 factors that must be considered by Cabinet in reaching its decision.

The Guidance states that all decision makers must give reasons for their decision irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

Children and Young People's Plan - Improve achievement of all children and young people, particularly at KS3 and KS4 to that of similar authorities by 2011. Narrow the gap for all children who are vulnerable so that there are no schools with more than 30% achieving less than their peers at KS4.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

The Addition of an ASD Unit at Greendown School

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Date: 3rd February 2010

- There has been consultation undertaken on these proposals as set out in the body of the report.

Background Papers and Appendices

- Appendix 1 – copy of the pre statutory consultation document
- Appendix 2 – Copy of the statutory notice
- Appendix 3 – copy of the full proposal for the statutory consultation stage.
- Appendix 4– DCSF Decision Makers Guidance – Expanding a Maintained Mainstream School.

Further information on the subject of this report can be obtained from Ian Bickerton, Director Access and Provision on 465724 or Email ibickerton@swindon.gov.uk.

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Children Services
Sanford House
Swindon, SN1 1QH
Tel: 01793 463000
Fax: 01793 488597
Minicom: 01793 436659

Email: gcheal@swindon.gov.uk
Please ask for: Gareth Cheal

Date: 18th September 2009

Dear Parents, Staff and Governors of Greendown Community School

I am writing to ask for your comments about a new proposal for children with special educational needs in Swindon

Our Proposal

To extend Greendown School and deliver provision specifically to meet the needs of children with autism under the management and governance of Greendown School.

Our Reasons

Why we need this Additional Provision?

In common with most Local Authorities we have seen a large increase in the numbers of children being diagnosed with autism. In five years the numbers of pre school age children with severe and complex difficulties on the autistic spectrum have doubled.

We believe that as many of our children with special educational needs as possible should be educated within our special needs provision in Swindon; and currently too many children with autism are currently placed outside the borough.

The cost is a concern because it diverts money away from improving schools in Swindon. However, we are also very concerned about the long journeys some children have to get to school and the difficulty of monitoring the quality of this provision.

We already have one Special Resource Provisions in a mainstream secondary school, which caters for children with autism however this provision is oversubscribed.

Children and young people deserve the best start in life



John Gilbert
Group Director, Children

Although the Greendown site requires refurbishment to make it fit for purpose it is already owned by the Council. The proposed size of the unit is for a total of 15 places when full, approximately 3 students per year group).

Timescale

In order to ensure that all children with autism have a school place we intend to open the new centre from next January. We will then gradually increase the numbers over the next 2 or 3 years.

The target timetable for this process is as follows:

- September 2009 – Cabinet Member Briefing Note
- September/early October 2009 – pre-statutory consultation
- 12th October 2009 – 6pm Open Meeting at Greendown School
- 9 December 2009 – report to Cabinet
- December 2009 – if agreed, statutory consultation
- January 2010 – Cabinet Panel Decision
- January 2010 – Implementation

How you can Comment on the Proposal

Write to: Gareth Cheal, School Organisation Strategy Manager, Sanford House, Sanford Street, Swindon, SN1 1QH. Telephone 01793 465802 or email gcheal@swindon.gov.uk

Your comments need to be with us by 6 November 2009

I look forward to receiving your comments both positive and negative, which will help us to ensure that we make the best possible provision for children with autism in Swindon. It would be helpful if you could state clearly whether or not you support the proposal. If you are concerned about the proposal and wish to discuss them further please do not hesitate to contact Sheila Allcock SEN Inclusion Manager on telephone 01793 463203 or email sallcock@swindon.gov.uk.

Yours sincerely

Paddy Bradley
Director Schools and Learning

Cc Trade Union Representatives
 Member of Parliament for South Swindon
 Department for Children, Schools and Families – School Organisation Unit

Children and young people deserve the best start in life



John Gilbert
Group Director, Children

The addition of an ASD Unit at Greendown School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Swindon Borough Council intends to make a prescribed alteration to Greendown Community School, Community, Grange Park Way, Swindon, SN5 6HN from 01 January 2010.

The Local Authority require the addition of provision of up to 15 places (3 per relevant year group) that is reserved for pupils with Special Educational Needs in order to provide support for pupils on the Autistic spectrum within Swindon

It is intended that the school will make provision for the following type(s) of special educational needs provision that would be recognised by the local education authority as reserved for SEN pupils: Autistic Spectrum Disorder .

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Gareth Cheal, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH on telephone 01793 465802 or email gcheal@swindon.gov.uk

Within six weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Gareth Cheal, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH.

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Annex A

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals

Insert the information asked for in the expandable box below each section.

In respect of a Governing Body Proposal: School and governing body's details

1. The name, address and category of the school for which the governing body are publishing the proposals.

In respect of an LA Proposal: School and local authority details

1. The name, address and category of the school and a contact address for the local education authority who are publishing the proposals.

Greendown Secondary School
Community
Grange Park Way
Swindon
SN5 6HN

Local Authority; Swindon Borough Council
Contact Address: Sanford House, Sanford Street, Swindon, SN1 1QH

Implementation and any proposed stages for implementation

The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

It is proposed that the Autistic Spectrum unit should open in temporary accommodation within the main school from January 2010. A permanent bespoke unit will then be provided on the school site and is expected to be operational from June 2010.

Objections and comments

A statement explaining the procedure for making representations, including—

- (a) the date by which objections or comments should be sent to the local education authority; and
- (b) the address of the authority to which objections or comments should be sent.

Objections or comments should be sent via post or email to Helen Haines, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH or hhaines@swindon.gov.uk by 18th December 2009

Alteration description

A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

It is proposed that an Autistic Spectrum disorder unit is incorporated into the school. This will provide places for up to 15 secondary aged children, additional specialist staff will be recruited to run the unit. The need for additional places for children in the borough is acute, and it is predicted that the need will continue to grow. There is currently a similar unit in operation at Kingsdown school this facility would be in addition to this.

School capacity

—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 or paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, the proposals must also include—

- (c) details of the current capacity of the school and where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

The current capacity of Greendown School is 1425, the proposal will not effect this.

- (d) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

The current admissions number is 220, there are no plans to change this.

- (e) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

Not Applicable

- (f) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

Not Applicable

Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The number on roll as of the October 2009 census is 1056
--

Implementation

Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

Not Applicable

Additional Site

—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

Not Applicable

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

Not Applicable

Changes in boarding arrangements

—(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 7 or 14 of Schedule 2 or 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 —

- (g) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

Not Applicable

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- (h) the arrangements for safeguarding the welfare of children at the school;

Not Applicable

- (i) the current number of pupils for whom boarding provision can be made and a description of the boarding provision;

Not Applicable

- (j) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

Not Applicable

Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 7 or 14 of Schedule 2 or 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 —

- (k) the number of pupils for whom boarding provision will be removed if the proposals are approved;

Not Applicable

- (l) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

Not Applicable

Transfer to new site

Where the proposals are to transfer a school to a new site the following information—

- (m) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

Not Applicable

- (n) the distance between the proposed and current site;

Not Applicable

(o) the reason for the choice of proposed site;

Not Applicable

(p) the accessibility of the proposed site or sites;

Not Applicable

(q) the proposed arrangements for transport of pupils to the school on its new site;

Not Applicable

(r) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in area will be discouraged.

Not Applicable

Objectives

The objectives of the proposals.

To provide an Autistic Spectrum disorder unit for up to 15 secondary aged children, 3 per relevant age group. The unit will be housed in new accommodation within the boundaries of the existing school site and pupils attending will become pupils of Greendown Community School. The unit will provide local children with the opportunity to continue their education within the borough, rather than being transferred to out of borough facilities. There is an acute shortage of spaces presently within the borough the proposed facility will address this.

Consultation

Evidence of the consultation before the proposals were published including—

- (s) a list of persons who were consulted;
- (t) minutes of all public consultation meetings;
- (u) the views of the persons consulted;
- (v) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and

- (w) copies of all consultation documents and a statement on how these documents were made available.

The Local Authority's pre-statutory consultation process ran from 18th September 2009 to 6th November 2009. The process started with the attached letter, which was sent to all parents, staff and governors at the school as well as the parents of prospective students. A public meeting was held at the school on the 12th October. Four responses were received all supporting the proposal.

Project costs

A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

Funding has been made available in the Local Authority's Capital Programme of £680,000; no costs are being met by any other party.

A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Confirmation from the Local Authority as to the availability of funds is included in the Cabinet report dated 9th September 2009. Copy attached

Age range

Where the proposals relate to a change in age range, the current age range for the school.

Not Applicable

Early years provision

Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- (x) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

Not Applicable

- (y) how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

Not Applicable

- (z) evidence of parental demand for additional provision of early years provision;

Not Applicable

- (aa) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school;

Not Applicable

- (bb) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Not Applicable

Changes to sixth form provision

- (1) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (cc) improve the educational or training achievements;
- (dd) increase participation in education or training; and
- (ee) expand the range of educational or training opportunities for 16-19 year olds in the area.

Not Applicable

- (2) Where the proposals are to alter the upper age limit of the school so that the school will provide sixth form education, the proposed number of sixth form places to be provided.

Not Applicable

Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

Not Applicable

Special educational needs

Where the proposals are to establish or change provision for special educational needs—

- (ff) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

Pupils with a diagnosis of Autistic Spectrum Disorder, without this provision they will be unable to access the mainstream curriculum

Kingsdown Secondary School – provision for 15 secondary aged children

- (gg) any additional specialist features will be provided;

Not Applicable

- (hh) the proposed numbers of pupils for which the provision is to be made;

15

- (ii) details of how the provision will be funded;

One off set up cost allowance for £75,000 from the Local Authorities General Fund for 2009/10 has been made available. This will cover training, recruitment and salaries. Funding has been made available in the Local Authority's Capital Programme of £680,000 for the building of the unit.

- (jj) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

No - the children will be registered as pupils at Greendown Community School

(kk) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

The schools delegated budget share will increase in line with the additional pupils. Based on 2009/10 prices, the expected additional DSG allocation would be as follows:
 20010/11 – 7 places - £142,000
 2011/12 - 10 places - £229,000
 2012/13 - 15 places - £304,000

(ll) the location of the provision if it is not to be established on the existing site of the school;

Not Applicable

(mm) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children;

Not Applicable

(nn) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

The unit is planned for 15, it is proposed that there will be 3 students from each year group

Where the proposals are to discontinue provision for special educational needs—

(oo) details of alternative provision for pupils for whom the provision is currently made;

Not Applicable

(pp) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

Not Applicable

- (qq) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision;

Not Applicable

- (rr) a statement as to how the authority believe that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

Not Applicable

Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (ss) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- (tt) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (uu) improved access to suitable accommodation; and
- (vv) improved supply of suitable places.

Pupils will have full access to the National Curriculum, which may be modified to meet individual need. Individual programmes will be in place, which will include specific targets and details of any additional therapies/inputs from other agencies. A strong emphasis is placed on good home/school liaison and the positive impact of the inclusion of children with special educational needs on the whole school community. Resulting in improved access to the curriculum in an inclusive and adaptive environment. Providing improved access to specialist staff including outreach services. The unit will add to the existing provision in the borough.

Sex of pupils

Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (ww) details of the likely effect which the alteration will have on the balance of the provision of single sex education in the area;

Not Applicable

- (xx) evidence of local demand for single-sex education;

Not Applicable

(yy) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

Not Applicable

Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

(zz) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area;

Not Applicable

(aaa) evidence of local demand for single-sex education.

Not Applicable

Extended services

If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Not Applicable

Need or demand for additional places

If the proposals involve adding places—

(bbb) a statement and supporting evidence of the need or demand for the particular places in the area;

Not Applicable

(ccc) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Not Applicable

--

(ddd) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

Not Applicable

If the proposals involve removing places—

(eee) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice;

Not Applicable

(fff) a statement on the local capacity to accommodate displaced pupils.

Not Applicable

Expansion of successful and popular schools

25A. (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraphs 1 and 2 of Part 1 to Schedule 2 and paragraphs 12 and 13 of Part 2 to Schedule 2; ;

(b) (for proposals published by the LA) paragraphs 1 and 2 of Part 1 to Schedule 4.

of the Prescribed Alteration regulations.

(3) Whilst not required by regulations to provide this information for any LA proposals to expand a voluntary or foundation school, it is desirable to provide this below.

Not Applicable

department for children, schools and families

Stage 4 – Decision

4.1. Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker”.

4.2 Section 21 of EIA 2006 provides for regulations to set out who should decide proposals for any prescribed alterations. The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI: 2007 No. 1289) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Most decisions will be taken by the LA with some rights of appeal to the schools adjudicator.

4.3 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

4.4 If the LA fails to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week of the end of the 2 month period.

Who Can Appeal Against an LA Decision?

4.5 The following bodies may appeal against an LA decision on alteration proposals:

the local Church of England diocese;

the bishop of the local Roman Catholic diocese;

where the school provides education for pupils aged 14 and over - the Learning and Skills Council; and

the governors and trustees of the foundation or voluntary school.

4.6 Appeals **must** be submitted to the LA within 4 weeks of the LA’s decision. The LA **must** then send the proposals, and the comments and objections received, to the schools adjudicator within 1 week of the receipt of the appeal. The LA should also send a copy of the minutes of the LA’s meeting or other record of the decision and any relevant papers. Where the proposals are “related” to other proposals, all the “related” proposals should

be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals

4.7 There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

- a. Is any information missing? If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.
- b. Does the published notice comply with statutory requirements? (see paragraph 4.8 below).
- c. Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below).
- d. Are the proposals linked or “related” to other published proposals? (see paragraphs 4.10 to 4.14 below).

Does the Published Notice Comply with Statutory Requirements?

4.8 The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in The School Organisation (Prescribed Alterations)(England) Regulations 2007 (SI:2007 No.1289) (as amended) - it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice?

4.9 Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2 – 1.5). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

Are the Proposals Related to Other Published Proposals?

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that any proposals that are “related” to particular proposals **must** be considered together. Paragraphs 4.11-4.14 provide statutory guidance on whether proposals should be regarded as “related”.

4.11 Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals should be regarded as “related” if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as “related”.

4.12 Where proposals are “related”, the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC which are to be decided by the Secretary of State, the Decision Maker should defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where proposals before the Decision Maker concern:

- a. the school that is the subject of the LSC proposals;
- b. any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- c. any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

Statutory Guidance – Factors to be Considered by Decision Makers

4.15 Regulation 8 of The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that both the LA and schools adjudicator **are required** to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.60 below contain the statutory guidance.

4.16 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents

4.17 The Government’s aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper *Higher Standards, Better Schools For All*, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

weak schools that need to be closed are closed quickly and replaced by new ones where necessary;

the best schools are able to expand and spread their ethos and success; and

new providers have the opportunity to share their energy and talents by establishing new schools – whether as voluntary schools, Trust schools or Academies – and forming Trust for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place new duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

Standards

4.19 The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for changes to a school's provision will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.53 - 4.59).

Diversity

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Every Child Matters

4.24. The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

SCHOOL CHARACTERISTICS

Boarding Provision

4.25 In making a decision on proposals that make changes to boarding provision, the Decision Maker should consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.26 In making a decision on proposals to introduce new boarding places the Decision Maker should consider:-

- a. the extent to which boarding places are over subscribed at any state maintained boarding school within an hour's travelling distance of the school;
- b. the extent to which the accommodation at the school can provide the new boarding places;
- c. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- d. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

4.27. In making a decision on proposals to remove boarding provision, the Decision Maker should consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Equal Opportunity Issues

4.28 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

NEED FOR PLACES

Provision for Displaced Pupils

4.29 Where proposals will remove provision, the Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker should consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

Creating Additional Places

4.30 Where proposals will increase provision, the Decision Maker should consider the supporting evidence presented for the increase. The Decision Maker should take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in particular schools. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

4.31 Where the school has a religious character, or follow a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable.

4.32 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption should be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

Travel and Accessibility for All

4.33 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

4.34 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended

free transport rights for low income groups – see Home to School Travel and Transport Guidance re 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications . Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

16-19 Provision

4.35 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available should be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there should be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes should make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.36 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.37 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

Conflicting Sixth Form Reorganisation Proposals

4.38 Where the implementation of reorganisation proposals by the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

LSC Proposals to Remove Inadequate School Sixth Forms

4.39 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC powers to propose the closure of a school sixth form which has been judged to require Significant Improvement in two consecutive Ofsted inspections. Where a school sixth form is proposed for closure in such circumstances there should be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

SCHOOL CATEGORY CHANGES

Change to VA category

4.40 If a school proposes to change category to voluntary aided, the Decision Maker must be satisfied that the governing body are able and willing to meet their financial responsibilities for building work. The Decision Maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation, taking into account anticipated building projects.

Foundation Bodies

4.41 Where a school proposes to change category to become a voluntary school and simultaneously join an existing foundation body, or to propose the establishment of a new foundation body (see paragraph 15 to 20 of the Introduction), any approval for change of category proposals must be subject to a condition that the Secretary of State approves the foundation body (see paragraph 4.62).

Change to Foundation

4.42 Proposals to change category and acquire a foundation (i.e. to become a Trust School) should be considered according to separate Decision Making guidance contained in the Guide to becoming a Trust School. Proposals to change category to foundation, but not acquire a trust, must be considered on their merits. The Government wants to see more schools become self governing and benefit from the freedom this offers e.g. to control their own assets, employ their own staff and set their own admission criteria.

FUNDING AND LAND

Capital

4.43 The Decision Maker should be satisfied that any capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this should be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.44 There can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has

previously confirmed in writing that such resources will be available; not can any allocation 'in principle' be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.45 Proposals should not be approved conditionally upon funding being made available, subject to the following specific exceptions. For proposals being funded under the Private Finance Initiative (PFI) or through the Building Schools for the Future (BSF) programme, the Decision Maker should be satisfied that funding has been agreed 'in principle', but the proposals should be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released

Capital Receipts

4.46 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker should confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017-2004 *The Protection of School Playing Fields and Land for Academies* published in November 2004).

b. Foundation and Voluntary Schools:

(i) playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.

(ii) non-playing field land or school buildings – the governing body, foundation body or trustees will no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter should be referred to the School Adjudicator to determine. (Details of the new arrangements can be found in the Department's guidance '[The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator](http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&)').

4.47 Where proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

4.48 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker should consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained.

New Site or Playing Fields

4.49 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but should be approved conditionally upon the acquisition of a site or playing field.

Land Tenure Arrangements

4.50 For the expansion of voluntary or foundation schools it is desirable that a trust holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest should be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker should also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

School Playing Fields

4.51 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools should have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or

- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

4.52 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.46(b) above, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

4.53 When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and

- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved

4.54 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test

4.55 When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in paragraphs 4.56 to 4.59 below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors

4.56 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - c) improved access to suitable accommodation; and
 - d) improved supply of suitable places.
- LAs should also:
 - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
 - ii. clearly state arrangements for alternative provision. A 'hope' or

- ‘intention’ to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA’s transport policy for SEN and disabled children; and
 - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.57 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

4.58 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.59 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of Interested Parties

4.60 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on

proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Types of Decision

4.61 In considering proposals, the Decision Maker can decide to:

reject the proposals;

approve the proposals;

approve the proposals with a modification (e.g. the proposal implementation date); or

approve the proposals subject to them meeting a specific condition (see paragraph 4.62 below).

Conditional Approval

4.62 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the Department for Children, Schools and Families following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the Department for Children, Schools and Families in connection with the programme known as “Building Schools for the Future”;
- g. in the case of mainstream schools, the agreement to any change to the admission arrangements of any other school or schools, as specified in the approval;

- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- l. where the proposals depend upon any of the events specified in paragraphs (a) to (k) occurring by a specified date for any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(1) the occurrence of such an event.

4.63 The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (SOU Unit, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dfes.gsi.gov.uk) when a condition is met. If a condition is not met by the date specified, the proposals should be referred back to the Decision Maker for fresh consideration.

Decisions

4.64 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.65 A copy of all decisions **must** be forwarded to:

the LA or governing body who published the proposals;

the trustees of the school (if any);

(1) S.I. 2007/1288.

the Secretary of State (via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dfes.gsi.gov.uk);

where the school includes provision for 14-16 education or sixth form education, the LSC;

the local CofE diocese;

the bishop of the RC diocese;

each objector except where a petition has been received. Where a petition is received a decision letter should be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and

where the school is a special school, the relevant primary care trust and NHS trust or NHS foundation trust.

4.66 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

Can proposals be withdrawn?

4.67 Proposals can be withdrawn at any point before a decision is taken. Written notice must be given to the LA, or governing body, if the proposals were published by the LA. Written notice must also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dfes.gsi.gov.uk. Written notice must also be placed at the main entrance to the school, or all the entrances if there are more than one.

Transitional Exemption Order – Role of Decision Maker

4.68 Single sex schools are not required to comply with certain provisions of the Sex Discrimination Act (SDA) 1975. When a single sex school becomes mixed it will automatically become subject to those requirements. Since the change from single sex to co-educational would normally be phased over a period of years by changing the admission arrangements to allow the admission of both sexes, the school would not be able to comply fully with the SDA requirements for some years. Transitional Exemption Orders relax the requirement to comply during the period before the school becomes wholly co-educational.

4.69 Where the Decision Maker receives statutory proposals to alter a single sex school to become co-educational, they should treat the proposals as an application for a Transitional Exemption Order and make the order if they approve the proposals.