



Executive
15 June 2009

**Report from the Director of
Children and Families**

Wards Affected:
None

Discontinuance of John Kelly Boys' Technology College and John Kelly Girls' Technology College and their replacement by The Crest Boys' Academy and The Crest Girls' Academy

Forward Plan Ref: C&F-09/10-001

1.0 Summary

1.1 This report informs the Executive of the:

- 1.1.1 outcome of the consultation on the statutory proposals to discontinue (a) John Kelly Boys' Technology College and (b) John Kelly Girls' Technology College. Representation period on both proposals completed on 15 May 2009.
- 1.1.2 the Council's recommendations on the proposal to close John Kelly Boys' Technology College, subject to its replacement by The Crest Boys' Academy (previously referred to as John Kelly Boys' Academy).
- 1.1.3 the Council's recommendations on the proposal to close John Kelly Girls' Technology College, subject to its replacement by The Crest Girls' Academy (previously referred to as John Kelly Girls' Academy).
- 1.1.4 current land acquisition issues and options relating to the approved John Kelly Boys' and Girls' Technology Colleges site extension as set out in the Detail of this report;
- 1.1.5 process to convert these two schools so as to become Academy schools

1.2 The governing bodies of John Kelly Boys' Technology College and John Kelly Girls' Technology College have separately proposed to discontinue both the Foundation schools on 31 August 2009 and replace them from 1 September 2009 as Academies which will open in the existing buildings on 1 September 2009. Pupils of John Kelly Boys' Technology College and John Kelly Girls' Technology College will automatically transfer to The Crest Boys' Academy and The Crest Girls' Academy, respectively. Existing pupils would also be able to seek admission to other schools which have places available if they so wish.

- 1.3 This report seeks Executive approval to:
- 1.3.1 discontinue (a) John Kelly Boys' Technology College and (b) John Kelly Girls' Technology College under separate proposals, subject to the replacement of both Colleges by The Crest Boys' Academy and The Crest Girls' Academy, respectively.
 - 1.3.2 proceed with the schools rebuild on the existing site only without need for any extra land, subject to Secretary of State's approval and DCSF funding;
 - 1.3.3 the requisite property transactions in order to establish the Academies as from September 2009.

2.0 Recommendations

The Executive are requested to:

- 2.1 Approve the proposal to discontinue John Kelly Boys' Technology College. The implementation of the proposal is subject to Secretary of State's approval for its replacement by The Crest Boys' Academy.
- 2.2 Approve the proposal to discontinue John Kelly Girls' Technology College. The implementation of the proposal is subject to Secretary of State's approval for its replacement by The Crest Girls' Academy.
- 2.3 Approve Option B whereby the John Kelly Boys' and Girls' Technology Colleges school extension scheme will proceed without need to take any extra land either by way of CPO or by agreement and confirm that officers do not proceed with the CPO's made by the Council.
- 2.4 Authorise the Head of P&AM to negotiate any necessary land transactions arising from the process of conversion of the John Kelly Boys' and Girls' Technology Colleges to Academy status.
- 2.5 Authorise officers to resubmit an application for outline planning consent, the original consent has now expired, for the John Kelly Boys' and Girls' Technology Colleges school expansion scheme.
- 2.6 Approve the release of some of the capital programme funding that had been earmarked for land acquisition and instruct officers to investigate the feasibility of clearing/making level or stepping the underutilised southern part of the site leading into Dollis Hill Lane so as to provide suitable land for the schools expansion and a second access.
- 2.7 Approve the initial rent free 3 year lease of the school site to Edutrust Academies Charitable Trust (EACT) to take effect from the closure of John Kelly Boys' and Girls' Technology Colleges and their replacement by the Crest Boy's and Girls' Academies the lease and any associated agreements to be on terms agreed by the Head of Property and Asset Management.

3.0 Detail

3.1 Background

- 3.1.1 John Kelly Boys' Technology College and John Kelly Girls' Technology College are two separate secondary schools in Brent, sharing the same site in Dollis Hill, south east of the Borough just south of the North Circular Road. Both Colleges currently have Foundation status and the Governors have consulted on replacing both Colleges on the same site with two Academies* in new buildings. In order to open both Academies it is necessary to go through a technical closure process for the two Colleges. Rather than a closure, the proposal should be viewed as a transformation of both Colleges into Academies where pupils' education will be secured and their opportunities for learning enhanced and increased.
- 3.1.2 The Governing Bodies of John Kelly Boys' Technology College and John Kelly Girls' Technology College have separately proposed to close the schools on 31 August 2009 and replace them with a Boys' and a Girls' Academy, respectively, on the same site from 1 September 2009. The closure would be conditional upon the Secretary of State for Children, Schools and Families approving the establishment of the Academy.
- 3.1.3 John Kelly Boys' Technology College (from now on referred to as the Boys' College) is a single sex, Foundation College providing 585 places for 11-16 year olds and it has an admission number of 117. There are 557 Y7-11 pupils on roll including 6th Form (Census 2009).
- 3.1.4 John Kelly Girls' Technology College (from now on referred to as the Girls' College) is a single sex, Foundation College providing 750 places for 11-16 year olds and it has an admission number of 150. There are currently 754 Y7-11 pupils on roll (Census 2009) with no spare places.
- 3.1.5 The Boys' and Girls' Colleges have a joint sixth form of 350 places. The total number of boys in the sixth form is 109 with a capacity of 150. The total number of girls in the sixth form is 173 with a capacity of 200.
- 3.1.6 The number of places will remain the same (585 Y7-11 places in the Boy's Academy and 750 Y7-11 places in the Girls' Academy with a joint sixth form of 350 places) on 1 September 2009.
- 3.1.7 Pressure on school places – both primary and secondary is on the rise. The demand for school places is mainly driven by:
- 3.1.7.1 Housing growth;
 - 3.1.7.2 Increased density of use of existing housing stock;
 - 3.1.7.3 Increased popularity of Brent schools (mainly due to the increasing quality of Brent's educational offer);
 - 3.1.7.4 Inward economic and other migration;
 - 3.1.7.5 Decreasing availability of places in neighbouring boroughs;
 - 3.1.7.6 Increased live births and fertility rates

*Academies are Government (Department for Children, Families and Schools' Department) funded, non-fee paying independent schools established in partnership with business, higher education and voluntary sector sponsors. All Academies are required to share their facilities and expertise with other schools and the wider community. The quality of education provision is monitored, in the same way as for all other community, schools by OFSTED.

3.1.8 Secondary pupil numbers (age 11-19) across the borough are forecast to rise year on year:

3.1.8.1 GLA secondary demand forecast for the next 10 years is given below.

Year	Pupil Numbers (11-19)
2009 (current)	18016
2010	19343
2011	19694
2012	19837
2013	19980
2014	20142
2015	20443
2016	20687
2017	20882
2018	21245
2019	21670

3.1.9 The local authority has a statutory obligation to provide school places for any pupil resident in the borough if they request one.

3.1.10 As part of this educational transformation it is proposed that both colleges are expanded by one form of entry (FE), on delivery of new buildings, with effect from 1 September 2012, to meet the continuing increase in demand for school places in the borough. This expansion would therefore be linked to the availability of new build accommodation subject to funding agreement and approval of outline business case by the Secretary of State.

3.1.11 There are two separate consultation processes for John Kelly Boys' Technology College and John Kelly Girls' Technology College. The Governors of John Kelly Boys' Technology College and the Governors of John Kelly Girls' Technology College had issued separate proposals but with the same net effect.

3.2 Why Propose the Closure of the Boys' and the Girls' Colleges?

3.2.1 Both the Boys' College and the Girls' College are popular destinations in the neighbourhood. Demand for school places is increasing annually.

3.2.2 Pupil numbers in the Boys' College have doubled over the years and its overwhelming popularity within the local community and its need to expand to accept one more form of entry requires a new building to accommodate the expansion.

3.2.3 The Girls' College has grown from 490 to 940 girls in just over a decade proving its overwhelming popularity within the local community. There is a waiting list in all Year groups. The November 2008 Ofsted report stated 'Teaching is good overall and is underpinned by a good curriculum ... behaviour around the college is good'. GCSE examination results (5A*-C) are expected to rise again in forthcoming years (35% in 2005, 50% in 2006, 52% in 2007, 50% in 2008).

3.2.4 Both, the Girls' College and the Boys' College share the same site which is small for a college of this size. The small site area is compounded by a poor layout of buildings. The buildings themselves present significant suitability issues which include: poor circulation, numerous level changes within the buildings and across the site making Disability Discrimination Act (DDA) compliance extremely difficult, heating/lighting and ventilation issues and general compliance with current

regulations. Also the condition of the buildings is poor with the main teaching blocks considered to be 'life' expired.

- 3.2.5 The DFES Suitability Assessment (0-098/2000) identifies key concerns with regards to the current condition of both schools. The condition of the Boys' College has been graded C/Poor in terms of its structure, with many of the buildings requiring significant levels of investment to bring them up to current day standards. The report identifies this investment to be to the tune of £668,000 but it should be noted this report is 8 years old and focuses on the following four years from the date of the report so may not provide a true representation of the requirements and so should be reviewed. Furthermore, the temporary accommodation which has been added to the site to accommodate the growing number of pupils have been deemed Grade B, with the survey identifying a number of concerns with regards of the spaces they provide inhibiting teaching methods. The Ofsted Report (February 1999) also identified shortcomings in the accommodation noting that the programme of repairs does not reflect the size and scale of the necessary work required to bring the buildings up to a good state of repair.
- 3.2.6 The Girl's College buildings have received similar assessments and an investment figure was estimated at £135,000. As with the Boys' College, this estimate is at least 8 years old and may well be significantly out of date and insufficient for assessing the true improvements required. An extract taken from the DfES survey regarding Block 13 identified that 'All of the rooms in this two storey building are too small and badly ventilated. The staircases are too small and the corridors too narrow to accommodate 240 students going out and another 240 entering'. This is having a noticeable affect within the school; the Headteacher advised that they have had to implement a one-way system just to be able to manage safe movement of pupils. The Ofsted Report (November 1998) rated the accommodation satisfactory overall, though it is now 10 years old and still identified weaknesses in the provision of physical education, which was having a negative impact on standards and a number of teaching spaces were too small so limiting the range of activities.
- 3.2.7 Much of this situation is likely to be due to the age of the buildings and their expected lifespan when they were first built; it is probably that both of the schools' buildings are beyond the originally proposed lifespan.
- 3.2.8 The conclusion therefore is that the Colleges need to be rebuilt. New accommodation is required without delay to address the above issues and support the raising of educational standards agenda. With careful planning and redevelopment of the site, and a more efficient arrangement of build zones, it may also be possible to achieve on site external sports facilities which are lacking at the moment.
- 3.2.9 In order to achieve the much needed improvement in education facilities on the site the Governors, in partnership with the Local Authority, are now following an programme to rebuild the two colleges via the Academy route.
- 3.2.10 Initially both the Academies would open in the existing buildings. These would be replaced by new buildings on the existing site which it is planned to be ready for occupation with effect from September 2012 at the same time expanding pupil numbers by 1 form of entry for both Boys' and Girls' Academies. The Local Authority has carried out options appraisals and massing studies to establish the sufficiency and suitability of the land required to deliver the proposed new build expanded Academies. The studies demonstrate it is possible to provide 100% new build for both schools within the existing site boundary and to be a maximum 3-storey. The studies also identified benefits from acquiring additional land next to

the existing College, resources allowing, in order to improve the sufficiency of the site both during the construction period and in the long term.

- 3.2.11 The Academy will provide excellence in education for all. That means raising standards through innovation and investment in new facilities. It will act as a learning and development hub for the entire community. The focus will be on young people, creating a learning environment where all students are supported to make sure they realise their personal potential and that no doors are closed to them.

3.3 What Would Happen to the Pupils Currently Attending the Boys' College and the Girls' College if it Closes?

- 3.3.1 The pupils on roll at the Boys' College and the Girls' College would be guaranteed a place at the new Boys' Academy and Girls' Academy, respectively so their continued attendance would not be affected. For future pupils the Sponsor of the Academy is looking to retain the existing admission criteria. The college will be non-selective being a local college serving the local community.
- 3.3.2 The Sponsor, Edutrust Academies Charitable Trust (EACT) has completed a separate consultation on the opening of the new Academy. EACT has formally disengaged from the founding organisation, British Edutrust Foundation.

3.4 Statutory Process Completed

3.4.1 Consultation:

- 3.4.2 The governing bodies of the Boys' College and the Girls' College completed the consultation with all interested parties on its proposal including parents and staff at the College, all schools in Brent, Brent Council and neighbouring boroughs.
- 3.4.3 The consultation period began on 4 February 2009 and ended on 20 March 2009.
- 3.4.3.1 Boys' College - at the close of business on 20th March, 40 consultation questionnaires had been returned. The majority of responses (97.5%) were in favour of the school closing on 31 August 2009 and reopening as an Academy on 1 September 2009.
- 3.4.3.2 Girls' College - at the close of business on 20th March, 44 consultation questionnaires had been returned. The majority of responses (86.4%) were in favour of the school closing on 31 August 2009 and reopening as an Academy on 1 September 2009.

3.4.4 Statutory Proposal:

- 3.4.5 The governing body of the Boys' College agreed on 1 April 2009 to publish the statutory notice to consult on the proposal to discontinue Boys' College.
- 3.4.6 The governing body of the Girls' College agreed on 23 March 2009 (ratified their decision on 21 April 2009) to publish the statutory notice to consult on the proposal to discontinue Girls' College.
- 3.4.7 The statutory notices for both the Boys' College and the Girls' College were published on 2 April 2009 in the local newspapers. A copy of the statutory proposal is attached, which includes a copy of the statutory notice.
- 3.4.8 The statutory notices were followed by a 6 week statutory period (Representation stage) up to 15 May 2009, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for

people and organisations to express their views about the proposals and ensures that they will be taken into account by the Brent Executive.

3.4.9 The statutory proposal documents for both Colleges were also sent to the following consultees:

John Kelly Girls' Technology College (parents, staff and Governors)	John Kelly Boys' Technology College (parents, staff and Governors)
All maintained schools in Brent	Brent Council
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	London West Learning and Skills Council
Trade Unions	Menorah High School
Shemen Ltd (owners of the land proposed for acquisition)	Admissions Forum
John Kelly Girls student council	John Kelly Boys student council
Buxlow Preparatory School	Gower House School
St Christopher's School	St Nicholas School
The Swaminarayan School	The Welsh School
Al-Sadiq & Al-Zahra Schools	Islamia Girls High School
The School of the Islamia Republic	Secretary of State, SOU
Youth Centres	Brent Governors Forum
Youth Parliament	Brent local MPs
Local Councillors	Local Residents Association

3.4.10 The Boys' College organised a meeting with its Student Council, which represents the pupils of the school. The student council was briefed in advance on the details of the proposal. The Council is in agreement to proceed with the technical closure on 31 August 2009 and replace it from 1 September 2009 as an Academy which will open in the existing buildings on 1 September 2009.

3.4.11 The Girls' College organised a meeting with its Student Council, which represents the pupils of the school. The student council was briefed on the details of the proposal. They submitted 32 responses (100%), all agreeing to proceed with the technical closure on 31 August 2009 and replace it from 1 September 2009 as an Academy which will open in the existing buildings on 1 September 2009. Some of the comments included in their responses are as follows:

- 3.4.11.1 I agree ...because we would have better facilities. Our building is really old...
- 3.4.11.2 I agree...because if we do we will get a new building and our name and uniform will change which is good.
- 3.4.11.3 I agree...because it will be a new fresh start for us because we've had a bad reputation....
- 3.4.11.4 I agree...because it's really old and its falling apart.
- 3.4.11.5 I agree...because it might give us the chance to change schools reputation.

3.4.12 The LSC confirmed its support for both the proposals and has not submitted any objections or comments.

3.4.13 The Council has not received any other objections or comments on the statutory proposals by the end of the due date of the Representation period i.e. 15 May 2009.

3.4.14 The outcomes of the statutory proposal were presented to the governing body of the Boys' College on 19 May 2009 and the governing body of the Girls' College on 21 May 2009.

3.4.15 The governing body of the Boys' College:

3.4.15.1 Noted the outcome of the statutory proposal to discontinue John Kelly Boys' Technology College and its replacement by John Kelly Boys' Academy (renamed to The Crest Boys' Academy).

3.4.15.2 Voted in favour of the request to the Brent Executive acting on behalf of the Brent Local Authority to approve the proposal to discontinue the John Kelly Boys' Technology College on 31st August 2009 on the basis that it be replaced by the John Kelly Boys' Academy on 1st September 2009.

3.4.16 The governing body of the Girls' College:

3.4.16.1 Noted the outcome of the statutory proposal to discontinue John Kelly Girls' Technology College and its replacement by John Kelly Girls' Academy (renamed to The Crest Girls' Academy).

3.4.16.2 Voted in favour of the request to the Brent Executive acting on behalf of the Brent Local Authority to approve the proposal to discontinue the John Kelly Girls' Technology College on 31st August 2009 on the basis that it be replaced by the John Kelly Girls' Academy on 1st September 2009.

3.4.17 Both of the governing bodies strongly recommended that the expansion of the Boys' Academy and the Girls' Academy by one form of entry be conditional upon the acquisition of adjacent land. This recommendation is not a condition for the Council to make a decision for discontinuing the schools. Instead it is relating to the new buildings being erected after the Academies open in September 2009.

3.4.18 **Decision Making:**

3.4.19 It is the view of the Local Authority that both the Boys' College and the Girls' College proposals are not related to any other proposal. It considers therefore that the proposals should be determined by the Local Authority under paragraph 19 of Schedule 2 to Education and Inspections Act 2006. The proposals should be decided within 2 months (and if not, the proposals must be referred to the schools adjudicator). A conditional approval cannot be given where a proposal is decided under this paragraph. However, the implementation of a decision to close one or both the schools is conditional upon the Secretary of State making an agreement to open them as Academies though there should be general presumption on the approval.

3.4.20 The Brent Executive acting on behalf of the Brent Local Authority is the decision maker. Any appeals must be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal 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.

3.4.21 The Executive is aware, though it is important to repeat, that in reaching a decision on a statutory proposal the decision maker i.e. the Executive in this case, must have regard to the DCSF guidance. An excerpt from the guidance is attached (Appendix 4) which sets the nature of the decision making role that it is undertaking and the factors that it must take into account when determining a statutory proposal of this kind. Full set of guidance forms part of the background papers and is available from the Council's Asset Management Service, Children & Families or at www.dcsf.gov.uk/schoolorg.

3.4.22 Before considering the proposals itself the decision maker must consider:

- a) whether any key information is missing.
- b) whether the published notices comply with the statutory requirements.
- c) whether the statutory consultations have been carried out prior to the publication of the notices.
- d) whether the proposals are 'related' to other published proposals and should therefore be considered together.

3.4.23 The Council's legal officer advises on a) to d) that:

- a) Executive should decide this.
- b) the published notices meet the requirements.
- c) the required statutory consultations have been carried out.
- d) the proposals are not related directly to any other published proposals.

3.4.24 The specific factors set out in the DCSF guidance that apply to this proposal that the Executive would need to consider in reaching its decision relate to:

- a) Standards (paras 4.19 to 4.22)
- b) Academies (paras 4.25 to 4.27)

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

Both the Boys' and Girls' Academies will become a highly valued resource for the whole community and provide student, family and community support - helping form a cohesive society within the Academies and the local community within Brent. Both Academies will have two specialisms.

On Delivery of new buildings with effect from 1 September 2012, it is proposed that the new Boys' Academy will be for 750 boys and the Girls' Academy will be for 900 girls, of all abilities between the ages of 11 and 16, with a joint post-16 provision for up to 400 students housed in dedicated post 16 accommodations.

3.4.24.2 Para 4.20 Decision Makers should be satisfied that proposals for a school closure 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.

The focus of the Boys' and Girls' Academies will be on young people. Both the proposals are committed to significantly improving their aspirations, learning, achievement and personal development, irrespective of ability, faith, ethnic background or nationality. The new Academies will be inclusive and reflect the multi-ethnic, multi-faith, multi-cultural nature of British society and the common values shared by its citizens.

- 3.4.24.3 Para 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 4.55 to 4.61).

To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing bodies have conducted the SEN improvement test that has identified benefits which include the following:

The Boys' College and the Girls' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Boys' and Girls' Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

- 3.4.24.4 Para 4.22 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should again normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

The above Para does not apply to the proposals.

- 3.4.24.5 Para 4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies should contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

The Boys' and Girls' Academies will provide excellence in education for all. That means raising standards through innovation and investment in new facilities. This will act as a learning and development hub for the entire community. The focus will be on young people, creating a learning environment where all students are supported to make sure they realise their personal potential and that no doors are closed to them.

- 3.4.24.6 Para 4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools should indicate whether pupils currently attending the schools will transfer to the Academy and, if

appropriate, what arrangements will be made for pupils who are not expected to transfer.

The proposals are that from 1 September 2009, the Boys' College and the Girls' College will be replaced by the Boys' Academy and the Girls' Academy, respectively, which will open in the existing buildings of the Colleges. Pupils of the Boys' College and the Girls' College will automatically transfer to the Boys' Academy and the Girls' Academy, respectively. Existing pupils would also be able to seek admission to other schools which have places available, if they so wish.

Existing provision for pupils with special educational needs will continue. The needs of such pupils currently attending the Boys' College and the Girls' College will continue to be met by the new Academies or other schools chosen.

3.4.24.7 Para 4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, any approval of the closure proposals should be conditional on the Secretary of State making an agreement for an Academy (see paragraph 4.64), but there should be a general presumption in favour of approval.

The Executive as the Decision Maker is expected to make a decision on the proposals to discontinue both the Boys' College and the Girls' College. The implementation of a decision to close one or both the schools is conditional upon the Secretary of State making an agreement to open them as Academies. Future expansion of the admission capacity by one form of entry will be decided by the Academies Trust.

3.4.25 Executive, as decision maker, can:

- Reject the proposal
- Approve the proposal
- Approve the proposal with modifications (e.g. change the implementation date)
- Approve the proposals subject to them meeting a specific condition

3.4.26 Executive must give its reasons for the decision indicating the main factors/criteria for the decision.

3.5 **Revocation of Previous Notices to Expand (published on 14 September 2006)**

3.5.1 The published Statutory Notices for both the Boys' College and the Girls' College published on 02 April 2009 stated as follows: "This notice replaces the notice published on 14 September 2006. The previous notice had been published with the proposal to expand and rebuild the Boys' College as a Foundation college. Under the new proposal the Boys' College will be replaced by the Boys' Academy." and "This notice replaces the notice published on 14 September 2006. The previous notice had been published with the proposal to expand and rebuild the Girls' College as a Foundation college. Under the new proposal the Girls' College will be replaced by the Girls' Academy."

3.5.2 While DCSF considers the Statutory Notices (published on 2 April 2009) to technically close both Colleges on 31 August 2009 and reopen them as Academies on 1 September 2009 to be sufficient, they could not assure us of the outcome in case a challenge would be made on grounds that a previous decision has not been technically separately revoked. They suggested that the Governing Bodies revoke the notices as per the regulations. Council's legal

service advised that a short revocation process should be undertaken to be prudent.

- 3.5.3 As the previous proposals (September 2006) were originally decided by the schools Adjudicator, the Revocation Notices will also be determined by the Adjudicator.
- 3.5.4 Both the governing bodies of the Boys' College and the Girls' College published their respective Revocation Notices on 23 April 2009. The representation period is ending on 5 June 2009. A decision could be reached latest by 17 July 2009 (an earlier decision date may be possible).
- 3.5.5 Although the two consultation processes (technical closure and revocation of previous decision) are not inter-dependent, it is preferable to obtain decisions on revocation prior to 31 August 2009.

3.6 Land Issues

- 3.6.1 By way of background Members will recall the various reports submitted by the Director of Children and Families in connection with the proposed rebuild of John Kelly Boys' and Girls' Technology Colleges (or their successor). The matter was first reported to the Executive on 10th April 2006 at which time Members authorised the Council to exercise its powers both under the Education Act 1996 and the Town and Country Planning Act 1990, to acquire the adjoining land at Dollis Hill Industrial Estate, Brook Road, London NW2 to enable the rebuilding and expansion of the JK Schools. The report also set out to Members the funding constraints on the Council for the new build of schools. The report and minutes are referred to in the Background Papers of this report.
- 3.6.2 The Executive subsequently approved the making of a compulsory purchase order (CPO) at its meeting on 11 September 2007, firstly to acquire land at Dollis Hill Industrial Estate (hereafter referred to as the No1 Land) to enable the rebuilding and expansion of the JK Schools and secondly to acquire an area of adjoining land (hereafter referred to as the No2 Land) which is intended to accommodate employment uses currently carried out on the No1 land. The report and minutes are set out in the Background Papers of this report. The CPO land shown by thick red edge is attached as Appendix 1, the No1 land is shown by red hatching and the remainder is the No2 Land.
- 3.6.3 Separately to the above decision the Executive at its meeting on 8 October 2007 then gave approval, in principle, to the development and submission of an Expression of Interest for Academy status in respect of the JK Schools. The report and minutes are referred to in the Background Papers of this report. The EOI was drawn up by the Governors, and the sponsors Edutrust and Brunel University in partnership with the Council; the Executive gave formal approval in 14 July 2008 (C&F07/08-005).
- 3.6.4 The Executive at its meeting on 11 February 2008 then re-approved the making of two CPO's in order to acquire all of the interests and rights in land at Dollis Hill Industrial Estate as shown at Appendix 1; firstly (in respect of the land shown hatched) under S530(1)(a) and (c) of the Education Act 1996 for the purpose of the JK Schools which are maintained by the Council (and any successor school) and if those schools (or either of them) become or are to become academy or academies, for the purposes of that academy or academies, and secondly in respect of the remainder of the land under S226(1)(a) of the Town and country Planning Act 1990. Members also gave approval to the submission of the CPOs once made to the Secretary of State for confirmation, whilst at the same time

seeking to acquire the land by agreement through negotiations. Members also approved various technical and legal formalities regarding the service of notices and approved the Borough Solicitor to instruct Counsel and experts to represent the council and provide evidence at any enquiry into the confirmation of the CPOs or into the certificate of alternative appropriate development if necessary (ref approval at meeting 11 September 2007). This re-approval was undertaken to ensure that the subsequent separate decision to create two Academies I on this site did not, on some technicality, undermine the September 2007 decision.

3.6.5 Current Position

3.6.5.1 Officers have been mindful of the impact of this proposed land take on an existing independent Jewish School, Menorah High School for Girls. The school currently operates out of a number of existing industrial units on the adjoining industrial estate. The school first opened in 2001. It has a school population of 161 (as of May 2007) full time students aged range 11-18. Out of this, 4 pupils have statements. Therefore taking this into consideration and also partly in response to the anticipated cost of land acquisition following the outcome of the CAAD (which is reported later under Planning Implications) and in light of an anticipated insufficient budget provision for the acquisition of the entire CPO land, the Director of C&F subsequently commissioned MACE consultant education architects to report and advise the Council regarding a number of alternative massing and design options for the proposed new schools. Consequently MACE provided a buildings massing options appraisal in November 2008 which outlined various options ranging from:

- 3.6.5.1.1 (a) partial land take only
- 3.6.5.1.2 (b) an option whereby part of the existing JK Boys school site could be surplus and thereby potentially available for a land swap and
- 3.6.5.1.3 (c) an option whereby no land is acquired.
- 3.6.5.1.4 All of these options will meet, to some extent, the development requirements of the Department of Children and Families for the schools expansion. The MACE options appraisal report is attached as Appendix 2 of this report.

3.6.5.2 The Council expects to deliver the new building with effect from 1 September 2012. In the massing study completed by Mace in November 2008, four key approaches identified have been deemed feasible, to varying degrees. This first stage of the scheme development process provides high level massing options, which demonstrate how the site can accommodate the increased building mass required to accommodate the projected 2050 pupils across the two schools, while responding to the site constraints and the SPG 17. The four options identified are briefly set out below and the arguments for and against are described in the Mace report:

3.6.5.3 **Option A:** The principle of Option A is to provide 100% new build across the existing site and make use of additional land. This will meet the full requirement for the new area of 18,850sqm required to accommodate the total new number of pupils across the two schools of 2050.

3.6.5.4 **Option B:** This presents the approach to provide 100% new build for both schools within the existing site boundary and to be a maximum 3-storey.

3.6.5.4.1 **Option B Phasing and Temporary Accommodation (45 months build):**

3.6.5.4.1.1 MACE report (attached as Appendix 2) in paragraph 4.2 suggests that Option B would require Phasing and would take the scheme over the 18month benchmark construction period, which has additional costs associated with this. Risk assessment will be completed and health & safety guidelines will be followed for all Phasing stages.

3.6.5.4.1.2 It suggests that the Boys' College is demolished in the first 18 months, but retain the entrance and the main 'H' block as accommodation during the build period. An estimated 3365sqm of additional Temporary Accommodation would be required and Appendix 10 provides an example of where this would be located.

3.6.5.4.1.3 As per the report, once the Phase 1 new build is complete, it is proposed that the Girls' College relocate into the new build and Phase 2 would see the Girls' College demolished and redeveloped. Once this second 18 month construction phase is complete, the Boys' College will re-locate. This approach requires the least number of moves and does not require additional Temporary Accommodation to decant the larger number of pupils from the Girls' College. The pros and cons of this approach would need to be assessed further once the scheme is developed further. Phase 3 is estimated to be 9 months and allows for the retained existing Boys' College to be demolished, the Temporary Accommodation removed and the external works implemented. While this adds to the Phasing Costs, there is no additional Temporary Accommodation Costs required.

3.6.5.4.1.4 Option B enables the Temporary Accommodation to be configured in such a way so as to create a self-contained hub which would link well with the Boys' current school. This would assist the management of the school and pupils and therefore the delivery of education. As per the MACE report, the LB Brent Principal Education Advisor confirmed that this is a fundamental issue and although it is not ideal to have temporary accommodation, in this case the proposed layout would assist the school management more than a more fragmented approach.

3.6.5.4.2 Option B Issues:

3.6.5.4.2.1 Time certainties – scheme does not require additional land so is not restricted by a CPO process and the associated time (and cost) risks. However, Option B requires an estimated 45month construction period – cost and time implications.

3.6.5.4.2.2 Whilst new build gives scope for greater innovation in design and able to respond to education needs and aspiration more effectively, Option B requires Temporary Accommodation through-out the construction period (opportunities for reducing this may be identified as the scheme development progresses)

3.6.5.4.2.3 Sport Amenities: It is recognised that the site presents challenges in terms of sufficiency in relation to Building Bulletin 98 (BB98), which is the standard for secondary school design. BB98 recommends a minimum of 17,300m² for a confined site with off-site provision of sports pitches, whilst a site of 109,350m² is typically recommended for a school with on site sports pitches. Mace has advised that if these standards are calculated for the current pupil numbers of 1685 (full capacity) , then a minimum site area of 101,136m² is typically recommended for a school with on site sports pitches. The outdoor PE spaces for both the Boys' and Girls' Colleges are limited to hard courts, which impacts on standards and the extent to which pupils may get involved and participate in activities which use grass pitches. November 2008 Ofsted reports note that PE accommodation, outdoor facilities for football, cricket and athletics is poor and lacking.

3.6.5.4.2.4 To counter the lack of provision of outdoor recreational and PE spaces for the pupils, provision of grass pitches and additional hard courts may possibly be provided by neighbouring Brent Parks land to utilise its facilities by formal arrangement. This would need to be investigated in due course. In addition and, as outlined above in para.3.2.8, innovative redevelopment design measures should help to make effective use of available land site.

3.6.5.5 **Options C and D:** are two approaches that could be taken if it is required by PfS to have a combination of new build and remodel. The remodel scope proposed in this piece of work is extensive and allows for the stripping-back to the buildings' frame and rebuilding the internal and external structure. This gives the opportunity to reconfigure internal space, including load-bearing walls and stairways. However, a Structural Conditions Survey would need to be undertaken to identify if this approach is feasible for the current John Kelly Schools' buildings.

3.6.5.6 C&F Officers had concluded that from an educational perspective the preferred potential expansion scheme was one which comprised partial land take. Although this is set out in more detail in the accompanying appraisal report Appendix2, briefly this option would have permanently taken in all the land identified as No2 Land and some of the land adjoining within the No1 Land. The key feature of the land-take within No2 land is the retention of the access to Brook Road thereby providing a second vehicular access. This extra access would have enabled development works to be carried out more quickly and efficiently than otherwise would be the case.

3.6.5.7 However Partnership for Schools (PfS) has confirmed it is willing to support Option B, which will allow for expanding both the Boys' and Girls' Colleges. Thus taking into account the delay now envisaged due to the CPO objections and the impact on budget provision considered in the Financial Implications then it should be noted it is feasible to envisage school expansion and establishment of two academy schools without any land-take whatsoever. In the short term educational provision would be disrupted by the juxtaposition of construction and of course future educational needs could be compromised through the requirement to

operate within a smaller site area. Therefore in the circumstances officers consider option B to be the most pragmatic and realistic option. This is the option that is recommended for Members approval in the light of the substantial financial and legal constraints which are described later in this report.

3.6.6 Menorah High School

- 3.6.6.1 To re-cap, Members are aware that the Menorah High School for Girls is located on the CPO Land and may also be aware of their intention to remain on the site. Since Members' early decisions to proceed with land acquisition officers have been in negotiations with the freeholder and its professional representatives with the purpose of achieving a mutually satisfactory solution to a 'two schools site'. This scenario would see Menorah accommodated within the CPO land alongside the John Kelly Boys' and Girls' Academies (renamed to The Crest Academies) expansion.
- 3.6.6.2 Whilst the question of land costs has never been reconciled between the parties despite a series of meetings and negotiations, including an in principle decision by the John Kelly Boys' Technology College Board of Governors to approve a land swap with Menorah, there is no agreement for such site sharing. Officers had worked up a potential two school site for Menorah to relocate to the southern part of the No.1 Land and also to take an area of land adjoining within the existing John Kelly Boys' Technology College to form a viable school development site with access from Flowers Close. This potential solution has been flatly rejected by Menorah which has consistently advised that they cannot contemplate sharing the Brook Road access with the John Kelly Boys' and Girls' Technology Colleges/Academies and would only consider an offer which involved retention and full control of No.2 land. The land options around this scenario have been considered and, due to the key requirement for a second vehicular and pedestrian access from Brook Road, it is officers' view that they can not recommend agreement to Menorah's stated intention to relocate only to the No2 Land and for their retention and sole use of the adjoining access to Brook Road. Consequently officers have therefore advised Menorah that the Council can no longer pursue a site sharing scenario with Menorah.

3.6.7 CPO Process

- 3.6.7.1 Once it became apparent that a two school site sharing option was unlikely officers commissioned Montagu Evans (specialist compulsory purchase surveyors) to advise and report on valuation and compensation issues. In order to be able to provide this advice they have had to consider the Planning Inspector's decision dated 23 May 2008 following the freeholder's appeal at enquiry into Brent's Planning assumption for the CPO Land. Details of the outcome of this appeal are set out more fully later in this report under Planning Implications. However, in summary, land owners can, when their land is being compulsorily purchased, apply for compensation. To help with the valuation process the land owner can apply to the Local Planning Authority for a Certificate of Appropriate Alternative Development (CAAD) pursuant to S17 of the Land Compensation Act 1961. This Certificate states what, in the Local Planning Authority's opinion, would have been granted planning permission if the land was not being compulsorily acquired. Identifying the planning uses in the 'no scheme world' thereby sets out the valuation

parameters. Within this 'no scheme world' there is a considerable amount of high density residential development stipulated in the CAAD which is usually considered to achieve the highest land value for any owner. Consequently the cost of the CPO will largely be dictated by this CAAD. The land costs issues are set out in the Financial Implications (Valuation) of this report.

3.6.7.2 Due to uncertainty over the affordability of the two areas of land and over whether any, and if so what, land was required for rebuilt schools, the Council did not initially proceed with the confirmation process in respect of the two CPOs. Following receipt of a report from the consultants employed by the Council as to potential configuration of rebuilt schools, it was decided to proceed with confirmation of the two orders. Uncertainty still remained over land take and affordability, but there was sufficient likelihood of the land being required to at least proceed to the confirmation stage.

3.6.7.3 The No.2 Order has now been confirmed. However, late objections to the No.1 Order were received and DCSF have now said that they are not prepared to confirm this order without considering the objections at either a public inquiry or through a written procedure. However, given the timescale for pursuing the rebuilding of the schools, officers consider that it would not be feasible to delay the project whilst confirmation of the No.1 Order was sought. Accordingly, officers recommend that the schools be rebuilt within the existing site and that acquisition of adjoining land is not pursued.

3.6.8 Planning Application – Renewal

3.6.8.1 Outline planning permission (ref. no.04/3941) was sought on 20/12/04 and granted on 17/03/05 for a Mixed-use development, re-providing education and B1, B2 and B8 uses. No further details were submitted and Members will therefore note that this consent for the expansion scheme on the CPO land is now time expired and a new consent will now have to be sought. Officers are seeking Member approval to submit a new application based on rebuilding within the existing site.

3.6.8.2 The land on which the John Kelly Boys' and Girls' Technology Colleges are sited is owned by the Governors of both Colleges. If the proposal to close both the Colleges and reopen them as Academies is agreed then on their technical closure on 31 August 2008, the Governing Bodies cease to exist. The land ownership will then revert back to the local authority.

3.6.8.3 It will be necessary for the Council to grant a short term lease to the sponsor (EACT) to enable it to operate the Academy. A longer term lease will then be granted following rebuilding of the two schools.

3.6.9 Model *Timetable of key events

Activity	Description	Due Date By
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No.		
1.	Executive Decisions: a. School Closure b. Land requirement	June 2009
2.	Short lease to Education Trust completed	Aug 2009
3.	Outline Business Case signed off	Jan/Feb 2010
4.	The Crest Boys' and Girls' Academies open	1 Sep 2009
5.	Officers' report to planning committee clearance date	Post March 2010
6.	Appointment of technical consultants	16 July 2009
7.	Complete feasibility study	11 December 2009
8.	Submit Outline Business Case to PFS	14 December 2009
9.	Approval of Outline Business Case + Planning Approval	11 Jan 2010
10.	PITT	5 Mar 2010
11.	ITT	7 July 2010
12.	Selection of Preferred Bidder	20 July 2010
13.	Award of D&B contract	20 Dec 2010
14.	Set up of Temporary Accommodation, approx.	1 Sep 2011
15.	Completion and Hand-over of 1st school (under Option B)	August 2012 (1st Phase -18 months)
16.	Completion and Hand-over of 2nd school (under Option B)	April 2014 (2nd Phase - 18 months)
17.	Final demolitions and temporary accommodation removed	May 2014 - Jan 2015

*Dates to be confirmed.

3.6.10 To achieve anywhere near close Sept 2012 opening in new build we need to appoint a Technical Adviser to develop a fully costed control option by end October 2009 so we can get OBC approval and approval from PFS to go out to the Framework contractors in Jan 2010. The process of appointment of a Technical Adviser via the PfS is underway and should be completed by mid July 2009.

3.7 Risk and Risk Management

3.7.1 A risk register is being maintained for this project. This is a means of recording the identified risks, their severity, and the actions steps to be. Top three risks and the management strategy are summarised below:

3.7.1.1 Risk 1: To be able to deliver this project in the timescale, it is important for key decision makers to make decisions on time.
Strategy: Robust project documentation will be provided in time for key decisions to relevant stakeholders.

3.7.1.2 Risk 2: Potential delays in procurement.
Strategy: Legal forum will review key documentation; established procedures and guidance will be followed.

3.7.1.3 Risk 3: Potential delays in obtaining planning permission and additional planning costs not provided for within the funding allocation could also slow down this project and/or affect its delivery.
Strategy: Planning conditions will be identified as early as possible in the project; the local authority will closely liaise with the Planning Authority prior to the submission of the planning application.

4.0 Financial Implications

- 4.1 The proposals in this report are not driven by financial considerations but will provide financial advantages which will be of direct benefit to pupils and the local community. The MACE Massing Options Appraisal (attached as Appendix 2) gives notional building costs of £44,410,600 for both Option A (using additional land) and Option B (using existing site), however the phasing and temporary accommodation costs of these 2 options are significantly different. Partnership for Schools have provided an indicative funding allocation for the 2 projects of £45,196,102. Option A would also require additional funding for the CPO which is likely to be in the range of £9.5m to £13m. The resulting initial financial position can therefore be summarised as follows:

	Option A with lowest CPO assumption £000	Option A with highest CPO assumption £000	Option B £000
Build Cost	44,410	44,410	44,410
Demolition	890	890	890
Asbestos Removal	914	914	914
Phasing	632	632	2002
Temporary Accommodation	0	0	3848
CPO	9,500	13,000	0
Total	56,346	59,846	52,064
Indicative Funding Allocation	45,196	45,196	45,196

- 4.2 All the above figures are initial estimates including the funding allocation figures provided by PfS and a great deal of further work would need to be completed through feasibility, and design stages before any reasonably firm figures could be arrived at.
- 4.3 The initial funding allocation figure provided by PfS does not represent a commitment to funding. A commitment of funding would be provided by the DCSF after successful completion of the Outline Business Case and Final Business Case stages.
- 4.4 The initial funding allocation figure includes a provisional 5% allocation for abnormal costs. Funding required for abnormal costs would need to be substantiated and agreed with PfS prior to finalising the OBC and a strong case will be made at that stage for the phasing and temporary accommodation costs to be fully reflected in the agreed abnormal allocation.
- 4.5 Once the Schools become Academies revenue funding would then be provided directly by the DCSF and the necessary arrangements for this change are underway with close liaison between the DCSF and finance officers in Children and Families. In addition the Sponsor will be contributing £2m revenue to the project which will provide an endowment fund to support a wide range of educational activities in raising standards of educational achievement.
- 4.6 Land Valuation: Brent's consultant surveyors have provided a draft preliminary site development value appraisal. The assessment for total compensation assuming acquisition of the CPO land was in the range £9.5m to £13m.
- 4.7 At the beginning of the process to acquire additional land for the schools a provision of £5m was made in the Capital Programme. This was based on a then current valuation with an aspiration that there may be surplus land after the development which the

Council could dispose of. In the event conditions in the market, despite the recent downturn suggest this was insufficient by a significant amount.

- 4.8 The overall pressure on the capital programme from the need to provide school places and upgrade or rebuild unsuitable buildings means that there are no surplus resources within the programme to finance the likely result or the CPO process. As set out in paragraph 4.2 the gap would be a minimum of £4.5m to £8m. This would result in full year revenue financing costs of around £350k to £600k again for which no budget provision exists. In a worst case scenario and the Menorah valuation was accepted by the Lands Tribunal this could amount to in excess of £1.6m per annum.
- 4.9 There would be additional costs associated with the CPO which could amount up to £50k where a budget would need to be identified.
- 4.10 It is proposed that the £5m allocation for John Kelly land acquisition is retained in the Capital Programme at this stage. This should provide sufficient resources to cover costs that will not necessarily be met by government funding for the Academy. This could include Section 106 obligations. This will be reviewed as the project develops.

5.0 Legal implications

- 5.1 The procedure for the closure of this foundation school is as required by the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007. The Local Education Authority and the governing body of a foundation school are entitled to discontinue the school pursuant to powers granted by the Education and Inspections Act 2006 section 15 and Schedule 2 paragraph 19. The new Academy school will be established by a separate procedure under the Education Act 1996 section 482 which will require in particular an agreement between the Secretary of State and the Sponsors of the Academy setting out the terms on which the school shall be run.
- 5.2 The proposals should be decided within 2 months (and if not, the proposals must be referred to the schools adjudicator). A conditional approval cannot be given where a proposal is decided under paragraph 19 of Schedule 2 to Education and Inspections Act 2006. However, the implementation of a decision to close one or both the schools is conditional upon the Secretary of State making an agreement to open them as Academies though there should be general presumption on the approval.
- 5.3 The Expression of Interest letter (EOI) in respect of the Academy was submitted to the Secretary of State in July 2008. The EOI letter stated that the school site would be transferred at nil cost or be leased at a nominal rent to the Edutrust Academies Charitable Trust (EACT) with terms agreed prior to the Funding Agreement.
- 5.4 When a foundation school is closed and being discontinued, the Board of Governors holding land for the purposes of the school are required to apply to the Secretary of State to decide what should happen to any land used by the school that has been provided, acquired or enhanced at public expense under Schedule 22 to the School Standards and Framework Act 1998 We are not aware that the Board of Governors or the Schools have made such an application.
- 5.5 In the absence of such an application or a direction from the Secretary of State on completion of the school closure process and dissolution of the Board of Governors the default position is that the site of the school vests in the local authority.
- 5.6 The Council has the power to grant a short term lease (as referred to in paragraph 3.6.8.3) under section 123 of the Local Government Act 1972.

- 5.7 If the Executive resolves not to proceed with the 2 CPO's:
- 5.7.1 the procedure in regard to the No. 1 Order (to which there have been objections) is that the Council would need to notify the Secretary of State and anyone affected by the order that the Council has decided not to proceed with the order.
 - 5.7.2 the procedure in regard to the No. 2 Order (which has been confirmed by the Council) is that the Council would write to everyone affected by the order to formally notify them that the Council has decided not to implement the order.
 - 5.7.3 There is no risk or drawback to the Council in not proceeding with the CPO's.

6.0 PLANNING COMMENTS

- 6.1 An application for a Certificate of Appropriate Alternative Development was submitted by Mulgate Investments on 24/07/06. The Council rejected the land uses proposed by the applicants for the following reasons:
- 6.1.1 The proposed options for the appropriate alternative developments would result in the loss of community facilities and loss of employment land to varying degrees for which there remains demand which would have detrimental impact to the existing stock of community facilities and local job opportunities within the Borough and also contrary to policy STR1, STR25, CF3 and EMP9 of Brent Unitary Development Plan 2004.
 - 6.1.2 The proposed density of the residential development on all the proposed options is considered too high for this suburban site. As such, the proposal would fail to comply with policies H14 of the adopted Unitary Development Plan 2004, Supplementary Planning Guidance no. 17 and London Plan 2004.
 - 6.1.3 The proposed option for the intensified business use (Use Class B1) is unacceptable due to the low level of public transport access which will lead to an increased level of private vehicle dependency and traffic movement within this area contrary to policy EMP15 of Unitary Development Plan.
- 6.2 However, the certificate also stated that planning permission for development of the following classes would have been granted in respect of the land in question:
- 6.2.1 The occupied site area of each existing use (Employment and Community – Use Class D1 uses) to be re-provided within the site and the remainder of the site to provide further opportunities for employment uses.
 - 6.2.2 The occupied site area of each existing use (Employment and Community – Use Class D1 Uses) to be re-provided within the site with any remaining land to accommodate housing development to an appropriate density, to a maximum density threshold of 150 to 240 hrh, and with appropriate level of parking, amenity space and residential quality. The development should take place at an appropriate level of massing and scale that is within the context of the area and which would not impinge on the amenity of the neighbouring occupiers.
- 6.3 Instead, the Council issued a Certificate on 09/05/07 against which the applicants appealed and into which the Secretary of State held an inquiry on 28-29 November and 12-14 December 2007.
- 6.4 The decision of the Secretary of State for Communities and Local Government Act was to:
- 6.4.1 CANCEL the certificate, issued by the Council on 9 May 2007 and

6.4.2 CERTIFY that, if the said land were not proposed to be acquired by an authority possessing compulsory purchase powers, in respect of the land described in the First Schedule hereto, planning permission would have been granted, subject to the conditions specified in the Second Schedule hereto and subject to a section 106 obligation(s) covering air quality improvements, a Green Travel Plan and the provision of affordable housing, for:

6.4.2.1 *Scheme 1* – Demolition of existing building and the redevelopment of the site for a mixed-use development of 6 new buildings comprising 140 flats (Class C3), 4,120 sq.m. of space for commercial use (Class B1) and 260 sq.m. of space for community use (Class D1) with associated car parking. A notional residential density of 301 hrh (habitable rooms per hectare).

6.4.2.2 *Scheme 2* – Demolition of existing buildings and redevelopment of the site for a mixed-use development of 6 new buildings comprising 173 flats (Class C3), 4,120 sq.m. of space for commercial use (Class B1) and 260 sq.m. of community use (Class D1) with associated car parking and landscaping. A notional residential density of 372 hrh (habitable rooms per hectare).

6.4.2.3 Any development for which the land is to be acquired; (it would not have been granted for any other development).

7.0 Diversity Implications

7.1 There are no immediate diversity implications for the immediate purpose of this report.

7.2 However, the schools will reopen as Academies, which will provide excellence in education for all. That means raising standards through innovation and investment in new facilities. It will act as a learning and development hub for the entire community. The focus will be on young people, creating a learning environment where all students are supported to make sure they realise their personal potential and that no doors are closed to them.

7.3 The Academies will share their facilities and expertise with other schools and the wider community. The quality of education provision is monitored, in the same way as for all other community schools by OFSTED.

8.0 Staffing Issues

8.1 There are no immediate staffing/accommodation implications for the immediate purpose of this report. However, staff consultation is being carried out by the Sponsor, EACT / Edutrust. The staff will be transferred under TUPE with the exception of the post of Principal. A new staffing structure may emerge in consultation between the sponsor and relevant parties better to reflect the needs of the new establishment.

9.0 Background Papers

- a. Statutory Proposal April 2009
- b. Consultation Reports March / April 2009
- c. Governing Body Minutes Mar – May 2009 meetings
- d. Consultation documentation 04 February 2009
- e. Executive Report approved on 15 December 2008 – The Future Organisation and Academy Status of John Kelly Boys' and John Kelly Girls' Technology Colleges
- f. *DCSF Guidance on Closing a School
- g. Report of Director of C&F to Executive meeting on 10 April 2006
- h. Report of Director of C&F to Executive meeting on 11 September 2007

- i. Report of Director of C&F to Executive meeting on 8 October 2007
- j. Report of Director of C&F to Executive meeting on 11 February 2008
- k. MACE Massing Options Appraisal Report dated November 2008 (Revised Version 2)
- l. Property files of the Head of Property and Asset Management and files of the Director of Children and Families

*Brent Executive should refer to this guidance document for making a decision. Excerpt from the guidance is attached in Appendix 4.

Any person wishing to inspect the papers in connection with the above proposals should contact the originating officer at:

Head of Asset Management Children and Families Department, , Chesterfield House, 9 Park Lane, Wembley, HA9 7RJ
Head of Property & Asset Management, Property and Asset Management, Room 1A, Town Hall Annexe, Forty Lane, Wembley HA9 9HD

10.0 Appendices

Appendix 1 – CPO Land Plan

Appendix 2 – MACE Options Appraisal Report

Appendix 3 – Statutory Proposals for the Boys' College and the Girls' College

Appendix 4 – Excerpt from Closing a Maintained Mainstream School – Factor to be considered by Decision Makers (complete guidance document available from Asset Management Service or at www.dcsf.gov.uk/schoolorg).

Contact Officers

Nitin Parshotam,

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JOHN CHRISTIE,

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DUNCAN MCLEOD,

Director of Finance and Corporate Resources

Town Hall, Forty Lane, Wembley, HA9 9HD

The CPO Land **APPENDIX 1**



	<p>Property and Asset Management. Hatched land required for school extension. Area of land shown heavily outlined equals 1.75 hectares approximately. Plan subject to distortion on reproduction -do not scale.</p>	<p>Scale 1:1250</p>  <p>NORTH Grid North</p>
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**JOHN KELLY GIRL'S & BOY'S ACADEMIES:
MASSING OPTIONS APPRAISAL**

November 2008 (Revised Version 2)



Appendix 3

EDUCATION AND INSPECTIONS ACT 2006

SECTION 15 (2) PROPOSAL TO DISCONTINUE JOHN KELLY BOYS' TECHNOLOGY COLLEGE

Contact details

1. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Governing Body of John Kelly Boys' Technology College Crest Road London NW2 7SN

John Kelly Boys' Technology College, Crest Road, London, NW2 7SN (Foundation school)

DCSF School No. 304/5408

Statutory Notice published on 02 April 2009

Implementation

2. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

After consultation in accordance with all statutory requirements (see note 1) the governing body proposes to discontinue John Kelly Boys' Technology College (referred to as the Boys' College) from 31 August 2009 as part of a process of replacing the school with John Kelly Boys' Academy (referred to as the Boys' Academy), see note 2.

The proposal is that from 1 September 2009, the Boys' College will be replaced by the Boys' Academy, which will open in the existing buildings of the College. Pupils of the Boys' College will automatically transfer to the Boys' Academy. Existing pupils would also be able to seek admission to other schools which have places available, if they so wish. The Boys' Academy will retain the school's existing specialism in Technology and introduce Mathematics as the lead specialism.

Initially the Boys' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Boys' Academy. Council expects to deliver the new building with effect from 1 September 2012.

*Explanatory note:

1. From 4 February 2009 to 20 March 2009, the governing body of the Boys' College consulted with key interested parties on the future of the Boys' College. The documents for consultation and outcomes are available on request.
2. Initially the Boys' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site.

New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Boys' Academy. Council expects to deliver the new building with effect from 1 September 2012.

3. To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Boys' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

4. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

All applicable statutory requirements to consult in relation to the proposal have been complied with.

From 4 February 2009 to 20 March 2009, the governing body of the Boys' College consulted with key interested parties on the future of the Boys' College. The documents for consultation and outcomes are available on request.

4. Evidence of the consultation before the proposals were published including—
 - (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and
 - (d) copies of all consultation documents and a statement of how these were made available.

Consultation proposal document issued by the Governors of John Kelly Boys' Technology College in partnership with the Local Authority (LA).

Consultees

The consultation document has been sent to:

John Kelly Girls' Technology College (parents, staff and Governors)	John Kelly Boys' Technology College (parents, staff and Governors)
All maintained schools in Brent	Brent Council
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster

Royal Borough of Kensington and Chelsea	London West Learning and Skills Council
Trade Unions	Menorah High School
Shemen Ltd	Admissions Forum
John Kelly Girls student council	John Kelly Boys student council
Buxlow Preparatory School	Gower House School
St Christopher's School	St Nicholas School
The Swaminarayan School	The Welsh School
Al-Sadiq & Al-Zahra Schools	Islamia Girls High School
The School of the Islamia Republic	
Youth Centres	Brent Governors Forum
Youth Parliament	Brent local MPs
Local Councillors	Local Residents Association

Minutes of consultation meetings are attached as an appendix^.

Views of persons consulted are attached as an appendix^.

^Copies of all consultation documents are attached as an appendix. The Consultation documents were distributed by email or internal/external post to the stakeholder listed above. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties.

^Consultation documents form part of the background papers of the main report.

Objectives

5. The objectives of the proposal.

The reason for proposing the closure of the Boys' College is that pupil numbers have doubled over the years and its overwhelming popularity within the local community and its need to expand to accept one more form of entry requires a new building to accommodate the expansion.

Both, the Boys' College and the Girls' College share the same site which is small for a college of this size. The small site area is compounded by a poor layout of buildings. The buildings themselves present significant suitability issues which include: poor circulation, numerous level changes within the buildings and across the site making Disability Discrimination Act (DDA) compliance extremely difficult, heating/lighting and ventilation issues and general compliance with current regulations. Also the condition of the buildings is poor with the main teaching blocks considered to be 'life' expired.

The conclusion therefore is that the College needs to be rebuilt. New accommodation is required without delay to address the above issues and support the raising of educational standards agenda. With careful planning and redevelopment of the site, and a more efficient arrangement of build zones, it may also be possible to achieve on site external sports facilities which are lacking at the moment.

In order to achieve the much needed improvement in education facilities on the site the Governors, in partnership with the Local Authority, are now following a programme to rebuild the Boys' College via the Academy route.

The Boys' Academy will provide excellence in education for all. That means raising standards through innovation and investment in new facilities. It will act as a learning and development hub for the entire community. The focus will be on young people, creating a learning environment where all students are supported to make sure they realise their personal potential and that no doors are closed to them.

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

The Boys' Academy would be sponsored by the Edutrust Academies Charitable Trust (EACT). EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools. EACT has formally disengaged from the founding organisation, British Edutrust Foundation.

The new Boys' Academy will provide 'Excellence in Education for All'. This will be achieved through outstanding teaching, a personalised approach to learning, high levels of motivation and a positive ethos that promotes tolerance and respect for others, all supported by the development of the best possible facilities and resources.

The new Boys' Academy's students will have high aspirations for their future. Through their learning and experiences, they will develop into active, responsible citizens who will represent themselves confidently in all aspects of public and community life.

The Boys' Academy will become a highly valued resource for the whole community and provide student, family and community support - helping form a cohesive society within the Academy and the local community within Brent.

The Academy will have two specialisms - Mathematics and Technology

Provision for 16 -19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

The Boys' College will be replaced by the Boys' Academy which will open in the

existing buildings on 1 September 2009. Pupils of the Boys' College will automatically transfer to the Boys' Academy.

The number of places will remain the same (585 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Girls' Technology College proposed Academy) on 1 September 2009.

It is proposed that on delivery of a new building with effect from 1 September 2012, the Boys' Academy will become a five form of entry school with 150 places in each year group (750 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Girls' Academy.

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

With admission number of 117, there are currently 666 pupils on roll including 6th Form (September 2008). The Boys' College has a joint sixth form with John Kelly Girls' Technology College. The total number of boys in the sixth form is 109 with a capacity of 150.

The pupils of the Boys' College will automatically transfer to the Boys' Academy on 1 September 2009.

*As part of this educational transformation it is proposed that the new Boys' Academy will be expanded by one form of entry (FE) to become a five form of entry school with 150 places in each year group (750 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Girls' Academy. This will provide additional places to meet the continuing increase in demand for school places in the borough on delivery of new buildings with effect from 1 September 2012.

*Explanatory note:

1. From 4 February 2009 to 20 March 2009, the governing body of the Boys' College consulted with key interested parties on the future of the Boys' College. The documents for consultation and outcomes are available on request.
2. Initially the Boys' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Boys' Academy. Council expects to deliver the new building with effect from 1 September 2012.
3. To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Boys' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved

access to specialist staff.

4. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation. EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools.

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

The Boys' College currently has a Foundation status and is offering non-denominational provision.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

The Boys' College currently offers 585 places for 11-16 year olds and it has an admission number of 117. There are currently 666 pupils on roll including 6th Form (September 2008). The Boys' College has a joint sixth form of 350 places with John Kelly Girls' Technology College. The total number of boys in the sixth form is 109 with a capacity of 150.

*Total SEN Pupils by type: A=231; P=60; S=13.

*Total A+P+S = 304.

*Total P+S = 73 (*Provisional Census data).

Displaced Pupils

11. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

The Boys' College will be replaced by the Boys' Academy from 1 September 2009 which will open in the existing buildings of the Boys' College. Pupils of the Boys' College will automatically transfer to the Boys' Academy. Existing pupils would also be able to seek admission to other schools which have places available if they so wish.

Existing provision for pupils with special educational needs will continue. The needs of such pupils currently attending the Boys' College will continue to be met by the new Boys' Academy or other schools chosen.

12. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

On Delivery of new buildings with effect from 1 September 2012, it is proposed that the new Boys' Academy will be for 750 boys of all abilities between the ages of 11 and 16, with a post 16 provision for up to 400 students housed in dedicated post 16 accommodations, in partnership with the proposed John Kelly Girls' Academy.

The Boys' Academy will retain the school's existing specialism in Technology and introduce Mathematics as the lead specialism.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

The focus of the Boys' Academy will be on young people. This proposal is committed to significantly improving their aspirations, learning, achievement and personal development, irrespective of ability, faith, ethnic background or nationality. The new Boys' Academy will be inclusive and reflect the multi-ethnic, multi-faith, multi-cultural nature of British society and the common values shared by its citizens.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

The Boys' College has a young designers club which takes place on Saturday mornings aimed at the refugee students. Saturday School is open all year round, including the school holidays and is well attended by the local community. The Learning Resource Centre is open to students before the start of the school day for borrowing books and using the computers. These services will remain unchanged after the Boys' College reopens as a Boys' Academy on 1 September 2009.

Travel

15. Details of length and journeys to alternative provision.

Since the Boys' Academy will open on the same site, the distance and journey will remain unchanged.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

No change is expected as mentioned at point 15 above. The Boys' Academy will be required to review its existing travel plan.

Related Proposals.

17. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

The number of places will remain the same (585 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Girls' Technology College) on 1 September 2009. It is proposed that on delivery of a new building with effect from 1 September 2012, the Boys' Academy will become a five form of entry school with 150 places in each year group (750 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Girls' Academy. John Kelly Girls' Technology College will also publish a similar notice contemporaneously.

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;
- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- (d) any alternatives to the discontinuance of the school,

as required by section 15(4) of the EIA 2006.

Not Applicable

Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the local education authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

Not Applicable

Special educational provision

20. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Boys' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Boys' Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

EDUCATION AND INSPECTIONS ACT 2006

Notice of proposal to discontinue John Kelly Boys' Technology College London Borough of Brent

Notice is given in accordance with section 15(2) of the Education and Inspections Act 2006 that the Governing Body of John Kelly Boys' Technology College Crest Road London NW2 7SN intends to discontinue John Kelly Boys' Technology College (Foundation school), Crest Road, London, NW2 7SN on 31 August 2009.

After consultation in accordance with all statutory requirements (see note 1) the governing body proposes to discontinue John Kelly Boys' Technology College (referred to as the Boys' College) from 31 August 2009 as part of a process of replacing the school with John Kelly Boys' Academy (referred to as the Boys' Academy), see note 2.

The proposal is that from 1 September 2009, the Boys' College will be replaced by the Boys' Academy, which will open in the existing buildings of the College. Pupils of the Boys' College will automatically transfer to the Boys' Academy. Existing pupils would also be able to seek admission to other schools which have places available, if they so wish. The Boys' Academy will retain the school's existing specialism in Technology and introduce Mathematics as the lead specialism.

Existing provision for pupils with special educational needs will continue. The needs of such pupils currently attending the Boys' College will continue to be met by the new Boys' Academy or other schools chosen (see note 3).

The number of places will remain the same (585 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Girls' Technology College) on 1 September 2009. It is proposed that on delivery of a new building with effect from 1 September 2012, the Boys' Academy will become a five form of entry school with 150 places in each year group (750 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Girls' Academy. John Kelly Girls' Technology College will also publish a similar notice contemporaneously.

Since the Boys' Academy will open on the same site, the distance and journey should remain unchanged. The Boys' Academy will be required to review its existing travel plan.

This notice replaces the notice published on 14 September 2006. The previous notice had been published with the proposal to expand and rebuild the Boys' College as a Foundation college. Under the new proposal the Boys' College will be replaced by the Boys' Academy.

All applicable statutory requirements to consult in relation to the proposal have been complied with.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from:

Nitin Parshotam
Head of Asset Management Service,
London Borough of Brent,
4th Floor Chesterfield,
9 Park Lane,
Wembley, HA9 7RW

consultations.schoolorganisation@brent.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 **Nitin Parshotam, Head of Asset Management Service, London Borough of Brent, 4th Floor Chesterfield, 9 Park Lane, Wembley, HA9 7RW.**

*Explanatory note:

1. From 4 February 2009 to 20 March 2009, the governing body of the Boys' College consulted with key interested parties on the future of the Boys' College. The documents for consultation and outcomes are available on request.
2. Initially the Boys' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Boys' Academy. Council expects to deliver the new building with effect from 1 September 2012.
3. To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Boys' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.
4. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation. EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools.

Councillor Ralph Fox, Chair of Governors, John Kelly Boys' Technology College

Publication Date: 2 April 2009

EDUCATION AND INSPECTIONS ACT 2006

SECTION 15 (2) PROPOSAL TO DISCONTINUE JOHN KELLY GIRLS' TECHNOLOGY COLLEGE

Contact details

21. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Governing Body of John Kelly Girls' Technology College Crest Road London NW2 7SN

John Kelly Girls' Technology College, Crest Road, London, NW2 7SN (Foundation school)

DCSF School No. 304/5409

Statutory Notice published on 02 April 2009

Implementation

22. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

After consultation in accordance with all statutory requirements (see note 1) the governing body proposes to discontinue John Kelly Girls' Technology College (referred to as the Girls' College) from 31 August 2009 as part of a process of replacing the school with John Kelly Girls' Academy (referred to as the Girls' Academy), see note 2.

The proposal is that from 1 September 2009, the Girls' College will be replaced by the Girls' Academy, which will open in the existing buildings of the College. Pupils of the Girls' College will automatically transfer to the Girls' Academy. Existing pupils would also be able to seek admission to other schools which have places available, if they so wish. The Girls' Academy will retain the school's existing specialism in Technology and Languages in order to build further on the solid foundations of recent success.

Initially the Girls' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Girls' Academy. Council expects to deliver the new building with effect from 1 September 2012.

*Explanatory note:

1. From 4 February 2009 to 20 March 2009, the governing body of the Girls' College consulted with key interested parties on the future of the Girls' College. The documents for consultation and outcomes are available on request.
2. Initially the Girls' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better

access to the proposed Girls' Academy. Council expects to deliver the new building with effect from 1 September 2012.

3. To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Girls' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Girls' Academy building which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

4. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation. EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools.

Consultation

23. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

All applicable statutory requirements to consult in relation to the proposal have been complied with.

From 4 February 2009 to 20 March 2009, the governing body of the Girls' College consulted with key interested parties on the future of the Girls' College. The documents for consultation and outcomes are available on request.

- 24.** Evidence of the consultation before the proposals were published including—
- (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and
 - (d) copies of all consultation documents and a statement of how these were made available.

Consultation proposal document issued by the Governors of John Kelly Girls' Technology College in partnership with the Local Authority (LA).

Consultees

The consultation document has been sent to:

John Kelly Girls' Technology College (parents, staff and Governors)	John Kelly Boys' Technology College (parents, staff and Governors)
All maintained schools in Brent	Brent Council
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	London West Learning and Skills Council
Trade Unions	Menorah High School
Shemen Ltd	Admissions Forum

John Kelly Girls student council	John Kelly Boys student council
Buxlow Preparatory School	Gower House School
St Christopher's School	St Nicholas School
The Swaminarayan School	The Welsh School
Al-Sadiq & Al-Zahra Schools	Islamia Girls High School
The School of the Islamia Republic	
Youth Centres	Brent Governors Forum
Youth Parliament	Brent local MPs
Local Councillors	Local Residents Association

Minutes of consultation meetings are attached as an appendix^.

Views of persons consulted are attached as an appendix^.

^Copies of all consultation documents are attached as an appendix. The Consultation documents were distributed by email or internal/external post to the stakeholder listed above. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties.

^Consultation documents form part of the background papers of the main report.

Objectives

25. The objectives of the proposal.

The reason for proposing the closure of the Girls' College is not one of popularity or falling standards in education. The college has grown from 490 to 940 girls in just over a decade proving its overwhelming popularity within the local community. There is a waiting list in all Year groups. The November 2008 Ofsted report stated 'Teaching is good overall and is underpinned by a good curriculum ... behaviour around the college is good'. GCSE examination results (5A*-C) are expected to rise again in forthcoming years (35% in 2005, 50% in 2006, 52% in 2007, 50% in 2008).

Both, the Girls' College and the Boys' College share the same site which is small for a college of this size. The small site area is compounded by a poor layout of buildings. The buildings themselves present significant suitability issues which include: poor circulation, numerous level changes within the buildings and across the site making Disability Discrimination Act (DDA) compliance extremely difficult, heating/lighting and ventilation issues and general compliance with current regulations. Also the condition of the buildings is poor with the main teaching blocks considered to be 'life' expired.

The conclusion therefore is that the College needs to be rebuilt. New accommodation is required without delay to address the above issues and support the raising of educational standards agenda. With careful planning and redevelopment of the site, and a more efficient arrangement of build zones, it may also be possible to achieve on site external sports facilities which are lacking at the moment.

In order to achieve the much needed improvement in education facilities on the site the Governors, in partnership with the Local Authority, are now following a programme to rebuild the Girls' College via the Academy route.

The Girls' Academy will provide excellence in education for all. That means raising standards through innovation and investment in new facilities. It will act as a learning and development hub for the entire community. The focus will be on young people, creating a learning environment where all students are supported to make sure they realise their personal potential and that no doors are closed to them.

Standards and Diversity

26. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

The Girls' Academy would be sponsored by the Edutrust Academies Charitable Trust (EACT). EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools. EACT has formally disengaged from the founding organisation, British Edutrust Foundation.

The new Girls' Academy will provide 'Excellence in Education for All'. This will be achieved through outstanding teaching, a personalised approach to learning, high levels of motivation and a positive ethos that promotes tolerance and respect for others, all supported by the development of the best possible facilities and resources.

The new Girls' Academy's students will have high aspirations for their future. Through their learning and experiences, they will develop into active, responsible citizens who will represent themselves confidently in all aspects of public and community life.

The Girls' Academy will become a highly valued resource for the whole community and provide student, family and community support - helping form a cohesive society within the Academy and the local community within Brent.

The Academy will have two specialisms - Languages and Technology.

Provision for 16 -19 year olds

27. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

The Girls' College will be replaced by the Girls' Academy which will open in the existing buildings on 1 September 2009. Pupils of the Girls' College will automatically transfer to the Girls' Academy.

The number of places will remain the same (750 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Boys' Technology College/proposed Academy) on 1 September 2009.

It is proposed that on delivery of a new building with effect from 1 September 2012, the Girls' Academy will become a six form of entry school with 180 places in each year group (900 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Boys' Academy.

Need for places

28. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

With admission number of 150, there are currently 752 pupils on roll (September 2008) with no spare places – the Girls' College currently has 2 students over the allocation. The College also has a joint sixth form with John Kelly Boys' Technology College. The total number of girls in the sixth form is 173 with a capacity of 200.

The pupils of the Girls' College will automatically transfer to the Girls' Academy on 1 September 2009.

*As part of this educational transformation it is proposed that the new Girls' Academy will be expanded by one form of entry (FE) to become a six form of entry school with 180 places in each year group (900 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Boys' Academy. This will provide additional places to meet the continuing increase in demand for school places in the borough on delivery of new buildings with effect from 1 September 2012.

*Explanatory note:

1. From 4 February 2009 to 20 March 2009, the governing body of the Girls' College consulted with key interested parties on the future of the Girls' College. The documents for consultation and outcomes are available on request.
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4. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation. EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools.

29. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

The Girls' College currently has a Foundation status and is offering non-denominational provision.

Current School Information

30. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

The Girls' College currently offers 750 places for 11-16 year olds and it has an admission number of 150. There are currently 752 pupils on roll (September 2008) with no spare places – The Girls' College currently has 2 students over the allocation. The Girls' College has a joint sixth form of 350 places with John Kelly Boys' Technology College. The total number of girls in the sixth form is 173 with a capacity of 200.

*Total SEN Pupils by type: A=287; P=25; S=14.

*Total A+P+S = 326.

*Total P+S = 39 (*Provisional Census data).

Displaced Pupils

31. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

The Girls' College will be replaced by the Girls' Academy from 1 September 2009 which will open in the existing buildings of the Girls' College. Pupils of the Girls' College will automatically transfer to the Girls' Academy. Existing pupils would also be able to seek admission to other schools which have places available if they so wish.

Existing provision for pupils with special educational needs will continue. The needs of such pupils currently attending the Girls' College will continue to be met by the new Girls' Academy or other schools chosen.

32. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

On Delivery of new buildings with effect from 1 September 2012, it is proposed that the new Girls' Academy will be for 900 girls of all abilities between the ages of 11 and 16, with a post 16 provision for up to 400 students housed in dedicated post 16 accommodations, in partnership with the proposed John Kelly Boys' Academy.

The Girls' Academy will retain the school's existing specialism in Technology and

Languages in order to build further on the solid foundations of recent success.

Impact on the Community

33. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

The focus of the Girls' Academy will be on young people. This proposal is committed to significantly improving their aspirations, learning, achievement and personal development, irrespective of ability, faith, ethnic background or nationality. The new Girls' Academy will be inclusive and reflect the multi-ethnic, multi-faith, multi-cultural nature of British society and the common values shared by its citizens.

34. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Extended School Activities for the community:

1. Active PSA now functioning.
2. Annual International Cultural Fair – attracted 550 approximately
3. Saturday Supplementary School- attracting 70+ year 6 pupils from seven feeder primaries
4. ESOL/Computer Classes on Saturday for parents/Community Members
5. Drop in sessions for parents and community- support in any community /personal issues including form filling (Every Friday am surgery)
6. LRC extended opening hours every Tuesday after school
7. Parenting Conference – July 2009 and parenting support groups to follow.

Extended services will remain unchanged after the Girls' College reopens as a Girls' Academy on 1 September 2009.

Travel

35. Details of length and journeys to alternative provision.

Since the Girls' Academy will open on the same site, the distance and journey will remain unchanged.

36. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

No change is expected as mentioned at point 15 above. The Girls' Academy will be required to review its existing travel plan.

Related Proposals.

37. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

The number of places will remain the same (750 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Boys' Technology College) on 1 September 2009. It is proposed that on delivery of a new building with effect from 1 September 2012, the Girls' Academy will become a six form of entry school with 180 places in each year group (900 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Boys' Academy. John Kelly Boys' Technology College will also publish a similar proposal contemporaneously.

Rural Primary Schools

38. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;
- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- (d) any alternatives to the discontinuance of the school,

as required by section 15(4) of the EIA 2006.

Not Applicable

Maintained nursery schools

39. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the local education authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

The Girls' College provides 6 nursery places for 6 months to 5 years old children during term-time only. The places are self-funded by parents who are staff members at the Girls' College and John Kelly Boys' Technology College. The nursery provision was inspected under Early Year Foundation by Ofsted in November 2009 and was given a Good rating. It is intended to continue the nursery provision with the same funding model if the proposal to close the Girls' College on 1 September 2009 and reopen it as Girls' Academy on 1 August 2009 goes ahead.

Special educational provision

40. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Girls' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Girls' Academy buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.

EDUCATION AND INSPECTIONS ACT 2006

Notice of proposal to discontinue John Kelly Girls' Technology College London Borough of Brent

Notice is given in accordance with section 15(2) of the Education and Inspections Act 2006 that the Governing Body of John Kelly Girls' Technology College Crest Road London NW2 7SN intends to discontinue John Kelly Girls' Technology College (Foundation school), Crest Road, London, NW2 7SN on 31 August 2009.

After consultation in accordance with all statutory requirements (see note 1) the governing body proposes to discontinue John Kelly Girls' Technology College (referred to as the Girls' College) from 31 August 2009 as part of a process of replacing the school with John Kelly Girls' Academy (referred to as the Girls' Academy), see note 2.

The proposal is that from 1 September 2009, the Girls' College will be replaced by the Girls' Academy, which will open in the existing buildings of the College. Pupils of the Girls' College will automatically transfer to the Girls' Academy. Existing pupils would also be able to seek admission to other schools which have places available, if they so wish. The Girls' Academy will retain the school's existing specialism in Technology and Languages in order to build further on the solid foundations of recent success.

Existing provision for pupils with special educational needs will continue. The needs of such pupils currently attending the Girls' College will continue to be met by the new Girls' Academy or other schools chosen (see note 3).

The number of places will remain the same (750 places for 11-16 year olds and a shared 6th Form of 350 places with John Kelly Boys' Technology College) on 1 September 2009. It is proposed that on delivery of a new building with effect from 1 September 2012, the Girls' Academy will become a six form of entry school with 180 places in each year group (900 pupils aged 11 -16) and a shared 6th Form of 400 places with the proposed John Kelly Boys' Academy. John Kelly Boys' Technology College will also publish a similar proposal contemporaneously.

Since the Girls' Academy will open on the same site, the distance and journey should remain unchanged. The Girls' Academy will be required to review its existing travel plan.

This notice replaces the notice published on 14 September 2006. The previous notice had been published with the proposal to expand and rebuild the Girls' College as a Foundation college. Under the new proposal the Girls' College will be replaced by the Girls' Academy.

All applicable statutory requirements to consult in relation to the proposal have been complied with.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from:

Nitin Parshotam
Head of Asset Management Service,
London Borough of Brent,
4th Floor Chesterfield,
9 Park Lane,
Wembley, HA9 7RW

consultations.schoolorganisation@brent.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 **Nitin Parshotam, Head of Asset Management Service, London Borough of Brent, 4th Floor Chesterfield, 9 Park Lane, Wembley, HA9 7RW.**

*Explanatory note:

5. From 4 February 2009 to 20 March 2009, the governing body of the Girls' College consulted with key interested parties on the future of the Girls' College. The documents for consultation and outcomes are available on request.
6. Initially the Girls' Academy would open in the existing buildings on 1 September 2009 to be replaced eventually by a new building on the same site. New building can be built on the existing site. However, the Council has taken steps to acquire additional land in order to deliver the new building. Additional land will allow for improved building design and playgrounds as well as better access to the proposed Girls' Academy. Council expects to deliver the new building with effect from 1 September 2012.
7. To ensure these proposals are likely to lead to improvements in the standards, quality and range of educational provision for children with special educational needs the governing body has conducted the SEN improvement test that has identified benefits which include the following:

The Girls' Academy's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility problems with the existing school buildings will be overcome by the new Girls' Academy building which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.
8. The Sponsor, Edutrust Academies Charitable Trust (EACT) has formally disengaged from the founding organisation, British Edutrust Foundation. EACT is a registered charity, that is a not for profit organisation, established to promote educational excellence in schools.

Ms Sue Kayser, Chair of Governors, John Kelly Girls' Technology College

Publication Date: 2 April 2009

Appendix 4

department for
children, schools and families

Closing a Maintained Mainstream School

Excerpt from a Guide for Local
Authorities and Governing Bodies

For further information:

School Organisation Unit
DCSF
Mowden Hall
Darlington
DL3 9BG

Tel: 01325 391274

Email: school.organisation@dcsf.gsi.gov.uk

Website: www.dcsf.gov.uk/schoolorg

CLOSING A MAINTAINED MAINSTREAM SCHOOL – EXCERPT FROM A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

Statutory Guidance – Factors to be Considered by Decision Makers

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 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 4.62 below contain the statutory guidance on considering proposals for school closure.

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 school 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 Trusts 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 which will boost standards and opportunities for young people, while 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 a school closure 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 4.55 to 4.61).

4.22 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should again normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

Fresh Start and Collaborative Restarts

4.23 Fresh Start and Collaborative Restart provide for poorly performing schools which are struggling to improve, to close and be replaced with new school provision, usually on the same site. When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker should take into account the popularity with parents of alternative schools.

4.24 For all closure and Fresh Start proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. The Decision Maker should have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

Academies

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies should contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools should indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, any approval of the closure proposals should be conditional on the Secretary of State making an agreement for an Academy (see paragraph 4.64), but there should be a general presumption in favour of approval.

Diversity

4.28 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 develops its own ethos, sense of mission and a centre of excellence or specialist provision.

4.29 Decision Makers should consider how proposals will impact on local diversity. They should consider the range of schools in the relevant area of the LA and how they will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

Balance of Denominational Provision

4.30 In deciding proposals to close a school with a religious character, the Decision Maker should consider the effect that this will have on the balance of denominational provision in the area.

4.31 The Decision Maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one on the predecessor schools.

Every Child Matters

4.32 The Decision Maker should consider how the 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 displaced pupils will continue to have access to 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.

NEED FOR PLACES

Provision for Displaced Pupils

4.33 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 any evidence of parents' aspirations for those schools.

Surplus Places

4.69 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs should take

action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places should always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.35 The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker should consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question should be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

IMPACT ON THE COMMUNITY AND TRAVEL

Impact on Community

4.36 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school was providing access to extended services, some provision should be made for the pupils and their families to access similar services through their new schools or other means.

4.37 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, should therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services should be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

Community Cohesion and Race Equality

4.38 When considering proposals to close a school the Decision Maker should consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

Travel and Accessibility for All

4.39 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.

4.40 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 ref 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.

Equal Opportunity Issues

4.41 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 where there is a proposed change to single sex provision in an area, 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 reflects the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Rural Schools and Sites

4.42 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. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure should provide evidence to the Decision Maker to show that they have carefully considered:

Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;

The transport implications as mentioned in paragraphs 4.39 to 4.40; and

The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker should refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at: www.dcsf.gov.uk/publications/otherdocs.shtml

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against

closure. The Department's register of schools - Edubase - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker should have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school should be regarded as rural.

TYPES OF SCHOOLS

Boarding School Provision

4.45 In making a decision on proposals to close a school that includes 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.

SPECIFIC AGE PROVISION ISSUES

Early Years Provision

4.46 In considering proposals to close a school which currently includes early years provision, the Decision Maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and Childcare Partnership.

4.47 The Decision Maker should also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

Nursery School Closures

4.48 In deciding whether to approve any proposals to close a nursery school, the Decision Maker should be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

the LA is consistently funding numbers of empty places;

full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;

plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that

replacement provision is more accessible and more convenient for local parents.

14-19 Curriculum and Collaboration

4.49 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers should therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures should not prevent the closure of a poorly-performing school.

16-19 Provision – General

4.50 The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16 -19. Schools and colleges should offer high quality provision that meets the diverse needs of all young people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high-quality learning opportunities across schools, colleges and work-based training routes.

4.51 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including the LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals for changes to 16-19 provision in the context of these principles.

4.52 Details of the five key principles can be found in [‘Principles underpinning the organisation of 16-19 provision’](#) booklet. Briefly, they are:

quality - all provision for all learners should be high quality, whatever their chosen pathway;

distinct 16-19 provision - all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this age group;

diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;

learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;

affordability, value for money and cost effectiveness - proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.

LSC Proposals to Close Inadequate 16-19 Provision

4.53 The Learning and Skills Act 2000 (as amended by the Education Act 2005)

gives the Learning and Skills Council (LSC) powers to propose the closure of 16-19 schools judged to require Special Measures. Where a 16-19 school 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.

Conflicting Sixth Form Reorganisation Proposals

4.54 Where the implementation of reorganisation proposals from the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (i.e. by the School Organisation Proposals by the LSC for England Regulations 2003 - SI 2003 No. 507) 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).

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

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:

- take account of parental preferences for particular styles of provision or education settings;

- 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 local authority day and residential special provision;

- are consistent with the LA’s Children and Young People’s Plan;

- 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;

- 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;

- 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;

- ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and

- 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.

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

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 the paragraphs below (4.58 to 4.61) 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

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:

improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;

improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
improved access to suitable accommodation; and

improved supply of suitable places.

LAs should also:

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;

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; 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

specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

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.

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.

4.61 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

4.62 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

4.63 In considering proposals for a school closure the Decision Maker can decide to:

reject the proposals;

approve the proposals;

approve the proposals with a modification (e.g. the school closure date); or

approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

Conditional Approval

4.64 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. Conditional approval cannot be granted where proposals are decided under Paragraph 19 of Schedule 2 (i.e. where there are no objections) – see paragraph 4.3 above. For school closures the following conditions can be set:

the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;

the agreement to any change to admission arrangements specified in the approval, relating to another school;

where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.65 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 (School Organisation Unit, DCSF, Mowden Hall, Staindrop Road, Darlington, DL3 9BG) or by email to school.organisation@dcsf.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.

Decision

4.66 All decisions **must** give reasons for the decision (i.e. irrespective of whether the proposals were rejected or approved) indicating the main factors/criteria for the decision.

4.67 A copy of the decision **must** be forwarded to:

the person or body who published the proposals;

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;

the Secretary of State (via the School Organisation Unit, DCSF, Mowden Hall,

Darlington DL3 9BG or by email to school.organisation@dcf.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.

4.68 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 who maintain the school.

5. Can proposals be withdrawn?

Proposals may be withdrawn at any point before a decision is taken. Written notice should be given to the LA, or governing body, if the proposals were published by the LA. Written notice should 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@dcf.gsi.gov.uk

Written notice should also be placed at the main entrance to the school, or all the entrances if there are more than one.