

## Appendix A

### MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

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

The following sets out the information that must be contained in a complete proposal. Shaded information **must** be published in a statutory notice. See paragraphs 2.2 to 2.10

#### 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.

London Borough of Brent (the Local Authority)  
Nitin Parshotam, Head of Asset Management Service, Children and Families, London Borough of Brent, 4<sup>th</sup> Floor, Chesterfield House, 9 Park Lane, Wembley, HA9 7RW  
Grove Park School (a Community Special School) DCSF School No. 304/7003  
Grove Park London NW9 0JY

#### 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.

31 August 2010

#### 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 this proposal have been complied with.

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.

#### Consultees

a)

Parents of all pupils at Grove Park Special School; Parents of all pupils at Hay Lane Special School; Staff at Grove Park Special School (including NHS staff);	NHS Brent; DCSF; Senior Communications Officer Children & Families, Brent Council; Other neighbouring local authorities:
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<p>Staff at Hay Lane Special School (including NHS staff);</p> <p>All schools in Brent &amp; their pupils were also consulted through their school councils;</p> <p>Governors of the federation of Hay Lane and Grove Park Special Schools;</p> <p>Head of Integrated Services for SEN &amp; Disability, Brent Council;</p> <p>Head of Special Education Needs Assessment Service, Brent Council;</p> <p>Staff Trade Unions GMB/Apex, TGWU / ACTSS, Unison, NUT, ATL, NAS/UWT and NAHT;</p>	<p>Harrow, Barnet, Camden, Hammersmith &amp; Fulham, Hillingdon, Kensington &amp; Chelsea, Westminster who also place children in the schools;</p> <p>Ward Councillors and Education spokes people as follows:</p> <p>Queensbury Ward (Grove Park);</p> <p>Fryent Ward (Hay Lane School);</p> <p>Voluntary Organisations list appended.</p>
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- b) No public meetings were held and none were requested.
- c) A report on and the views of persons consulted is attached as appendix 1.
- d) A copy of the consultation document issued by the London Borough of Brent is attached as appendix 2. The schools distributed it by hand to parents, pupils, and staff. The LA used internal and external mailing services and email as appropriate to send copies to the other stakeholders listed above.

## Objectives

### 5. The objectives of the proposal.

1. **To promote the Central Governments objective set out in Higher Standards, Better Schools October 2005** by helping the LA drive up standards and deploy resources more effectively and efficiently.
2. **To create a school organisation that promotes the maximum benefit for children from the resources and staff skills available.** That points to Grove Park and Hay Lane Special Schools becoming one school. The distinction between Hay Lane and Grove Park Special Schools is in any case blurring. Historically Grove Park was a school for pupils with physical difficulties. Increasingly the pupils also have medical needs and increasingly severe learning difficulties. Historically Hay Lane was a school for pupils with severe learning difficulties but increasingly they have more complex physical and medical needs. Consequently the overlap in the needs of their pupils is growing. The schools already share some accommodation, share a heating system, plan some activities jointly and are managed by a single governing body via a hard federation. Consequently the degree of collaboration between them is growing. The skills among staff are increasingly relevant to both school communities. Those skills and associated teaching and therapy facilities could be deployed to the greater benefit of all pupils if the two schools become one. Therefore the Local Authority believes that forming one school by expanding Hay Lane Special School and discontinuing Grove Park Special School is the right way forward. They have been supported in that view by those consulted.
3. **To provide an opportunity to provide more places in line with the predicted demographic trends for pupils with learning difficulties and disabilities.** Not only will all pupils from Grove Park transfer to an expanded Hay Lane School along with their staff, premises, furniture and equipment but the rebuilding of the school will allow it to be built for 235 pupils, an increase of 25 places which is in line with current demographic trends.
4. **To overcome the major suitability and condition problems of the current premises.** Rebuilding the school will allow the premises in which the children will be educated to comply with the Department of Children Schools and Families guidance on school accommodation for pupils with SEN (Building Bulletin 102). A feasibility

study has shown that to do this without the two schools becoming one would be very difficult, make poor use of the site, lead to duplication of provisions and increase public spending unnecessarily.

5. **To meet the Central Government objective of transformation, innovation and dynamism** when replacing school buildings that fall well short of current suitability and efficiency criteria. This project will meet those criteria, allow the schools to make substantial revenue savings on building running costs, assist the Local Authority to meet carbon saving targets whilst providing pupils and staff with high quality suitable premises within which to learn and work.
6. **To treat these vulnerable pupils equally with their able bodied peers** who are benefiting from the Building Schools for the Future capital investment programme.
7. **To maximise service integration by providing opportunities for co locating short break services and health facilities.** This project provides an opportunity to co-locate the Local Authority's short break unit on the site. That in turn replaces two existing buildings which also have a number of suitability shortcomings. It is noted that many of the families and pupils of these schools use this facility. Discussions are also on-going with NHS Brent over possibilities for co-locating other health services. This is particularly relevant to this school given the extensive therapy facility needed for its pupils including a hydrotherapy pool and nursing care for feeding, drugs administration and the like for some pupils. Adjacent land is earmarked for development by two local GP practices as a health centre. The Local Authority continues to discuss with NHS Brent the possibilities and opportunities co-location of these facilities might bring to the mutual benefit of service users. This is not critical to the school plans but would be an excellent addition.

### **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.

This proposal will have minimal impact on the standards, diversity and quality of education in the area because all the children will transfer to the adjacent Hay Lane Special School which is being expanded and the range of learning difficulties and disabilities for which it is suitable broadened to take them.

Leadership teams from both schools are working closely together to ensure a smooth transition and best practice for all pupils. They are currently aligning their assessment and tracking systems to ensure pupil progress is continuous throughout the change process

### **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.

### **Provision of Places**

Grove Park Special School offers 90 places of which about 20 are usually occupied by pupils over 16. Hay Lane Special School has 120 places of which about 25 are usually occupied by pupils over 16.

In a linked proposal Hay Lane is to be expanded to 210 places and then once rebuilt (projected completion summer 2013) to 235 places of which it is anticipated up to 50 will be occupied by pupils over 16.

There are therefore sufficient places for all post 16 pupils at Grove Park School at Hay Lane School and in the longer term sufficient places to reflect demographic trends..

**a) Impact on the educational or training achievements**

The closure of Grove Park is necessary to give legal effect to its pupils transferring to the neighbouring Hay Lane Special school. All pupils from Grove Park are being offered places at the adjacent Hay Lane Special School. Together the two schools will have a larger pool of talented and specialist staff with commensurately greater access to resources than either school has on their own. It is expected that this greater exposure to both excellent staff and resources will drive up standards. Consequently It is envisaged that there will be no loss of opportunities for educational achievement or training. The joint sixth form provision currently in existence will continue

**b) Impact on the participation in education or training**

The closure will have no adverse impact on the participation in education or training because the closure will not reduce the quantity of places available to pupils over 16. In due course, once the rebuilding of the school is completed there will be an increased opportunity for participation when a modest increase in places will become available.

**c) Impact on the range of educational or training opportunities,**

The closure of Grove Park is necessary to give legal effect to its pupils transferring to the neighbouring Hay Lane Special school. Together the two schools will be able to offer a wider range of educational and training opportunities than either can on its own.

**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.

The current combined capacity at Hay Lane and Grove Park Special Schools is 210 places. The resultant Hay Lane School's capacity increases to 235 (25 additional) places of which 210 will be available on 1 September 2010. The higher number will be available once the resultant school has been rebuilt (projected as summer 2013). That increase reflects predicted demographic trends in numbers of pupils with ASD and other learning difficulties and disabilities for which the Hay Lane Special School will offer a suitable place.

The detail of that forecast is attached as appendix 3.

The additional places will allow the LA to place children at the school that might otherwise have been placed out borough.

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.

Not Applicable

**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.

Grove Park Special School offers 90 places for boys and girls mainly aged 3 to 19 year. They all have special educational needs.

As at October 2009 there were 86 pupils on roll.

All pupils are day pupils.

Grove Park Special School is currently organised to provide for pupils with Physical Disability with associated learning difficulties including severe, profound and multiple learning difficulty. In addition to their physical and learning difficulties pupils have any one

or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment) and or significant medical needs.

## 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.

All pupils registered at Grove Park Special School as at 31 August 2010 who but for this proposal would have continued their education at Grove Park Special School will be offered a place in the adjacent Hay Lane Special School. Like Grove Park, Hay Lane is a community special school maintained by the Local Authority for boys and girls, aged mainly between 3 and 19 years. All pupils at Hay Lane Special School also have special educational needs (SEN).

To enable this to happen the Local Authority is simultaneously publishing a separate statutory notice proposing an increase in the number of pupils at Hay Lane Special School from 1 September 2010 and a broadening of the type of educational needs for which that school is organised.

Hay Lane Special School is currently organised to provide for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, and Autistic Spectrum Disorder. In addition to their learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), physical difficulties, challenging behaviours and or medical needs.

Once expanded Hay Lane Special School will make provision for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and or significant medical needs.

If any of these proposals is rejected, the others will be abandoned.

Therefore from 1 September 2010 Hay Lane Special School will be a suitable placement for all pupils registered at Grove Park and Hay Lane Special Schools as at 31 August 2010. This is expected to be approximately 205 pupils. No pupils will be displaced by the proposed closure of Grove Park Special School.

The site and buildings of Grove Park Special School which are adjacent to those of Hay Lane Special School will become part of the expanded Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School. The staff from Grove Park Special School will in general join their colleagues from Hay Lane Special School. The detail of the staffing arrangements of Hay Lane Special School from 1 September 2010 is currently being developed by the federated governing body of Hay Lane and Grove Park Special Schools in consultation with the Local Authority.

Consequently there is no need for other interim arrangements or for provision to be made by other local authorities.

**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.

Given the details in paragraph 11 above there is no need to increase provision for these

children elsewhere.

### **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 these proposals is to create one school from the current two to maximise the learning opportunities of the pupils and to provide an opportunity to rebuild both school. Both schools currently work with the community. In particular they share a swimming pool and this is used 6 out of 7 days each week by various swimming clubs based in and around the local community. There are no plans to reduce this element of the curriculum, extra curricular activity or community use once the schools have become one. Community swimming facilities for children with disabilities and their families will be greatly enhanced following the rebuild

Community access is a strong theme of the brief for rebuilding the school. Once rebuilt there will be greater opportunity for community use and greater outreach to the community is envisioned. The brief also includes co-location of the Local Authority's short break facility. Discussions are also being held with NHS Brent to explore the possibilities of co location of health facilities. (A bid for funding for a co-located project in 2009 was unsuccessful). Co location of health services is particularly appropriate for this school given the medical and therapy needs of many of its pupils.

The vision for the new buildings is attached as appendix 4.

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

Both schools currently offer a range of extended services to children and their families. These range from after school clubs (and in particular swimming facilities for disabled people and their families on 6 days of the week), support groups and training for parents, off site visits and visitors to the school. The expanded Hay Lane Special school will continue with those extended school services currently provided separately.

The rebuilding of the school will provide an opportunity to further develop community services where greater outreach to the community is envisioned. Community swimming facilities for children with disabilities and their families will be greatly enhanced following the rebuild

### **Travel**

**15.** Details of length and journeys to alternative provision.

As described above, pupils from Grove Park will be offered places at Hay Lane Special School. Because Hay Lane Special School will be suitable for all such pupils, is adjacent to Grove Park Special School and the Grove Park premises will become part of the premises for Hay Lane, the distances and journey times for pupils will not change.

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

Not Applicable for the reasons set out at point 15 above.

## 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.

There are two proposals relating to prescribed alterations to Hay Lane Special School that are directly linked to this proposal and published at the same time.

1) To increase the number of pupils at Hay Lane Special School from its current 120 places to 235 places. The enlarged school will continue to provide for both boys and girls aged mainly between 3 and 19 years all of whom have special educational needs.

This expansion will take place in two stages. The first stage will be from 1 September 2010 when the school will be enlarged to 210 places. The second stage of the expansion to 235 places will take place on completion of construction works to rebuild the school. This is projected to be available from 1 September 2013.

2) Change the type of special educational needs for which Hay Lane Special School is organised. The current range of needs for which it makes provision will be retained. To this will be added the range of needs for which Grove Park Special School currently makes provision. The detail of this is set out in paragraph 11 above.

To enable this to happen the site and buildings of this school will become part of the enlarged Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School. The staff from the two schools will combine to form the staff of the enlarged Hay Lane Special School. The detail of the staffing arrangements of Hay Lane Special School from 1 September 2010 is currently being developed by the federated governing body of Hay Lane and Grove Park Special Schools in consultation with the Local Authority.

If any of these proposals is rejected, the others will be abandoned.

## 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 local authority has conducted the SEN improvement test that has identified benefits for organising as one school for all children which include the following:

- Improved continuity of provision and curriculum access;
- Improved access to specialist staff both those employed by the Local Authority and those employed by NHS Brent to work in the school;
- Improved access to specialist staff employed to work for the Local Authority's specialist support services as well as those from other partner organisations and voluntary agencies.
- An SEN policy that will fully meet the requirements of the SEN Code of Practice and the Local Authority's disability equality scheme and accessibility strategy;
- Eradication of the condition, suitability and accessibility problems with the existing school buildings by rebuilding the school that fully comply with the current DCSF guidance on building for SEN namely Building Bulletin 102;
- Access to suitable therapeutic facilities and resources;

In addition developing the brief for the rebuilding project has enabled the staff of the two schools to come together to work on a coherent vision for the school and develop joint working. The detail of this is set out in appendix 4 and is also referred to in paragraph 13 above.

### Objections and comments

21. A statement explaining the procedure for making representations, including—

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

Any person may object to or make comments on this proposal. All such comments or objections must be:

- a) received by Friday 12 February 2010 (a date at least 6 weeks after the date of publication of this proposal);
- b) made in writing; and
- c) sent to:

Nitin Parshotam, Head of Asset Management Service, Children and Families, London Borough of Brent, 4th Floor, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.



# PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS:

Information to be included in or provided in relation to proposals

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

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

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

Not Applicable.

## **OR In respect of an LEA Proposal: School and local education authority details**

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

Hay Lane School (a Community Special School) DCSF School No. 304/7009

Grove Park London NW9 0JY

London Borough of Brent (the Local Authority)

Nitin Parshotam, Head of Asset Management Service, Children and Families, London Borough of Brent, 4<sup>th</sup> Floor, Chesterfield House, 9 Park Lane, Wembley, HA9 7RW.

## **Implementation and any proposed stages for implementation**

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

a) 1 September 2010

b) That element that depends on completion of building works as detailed in section 4 below 1 September 2013 or the beginning of the term after completion of those works whichever is the later.

## **Objections and comments**

**24.** A statement explaining the procedure for making representations, including—

(a) the date by which objections or comments should be sent to the local education authority; and

(b) the address of the authority to which objections or comments should be sent.

Any person may object to or make comments on the proposal. All such comments or objects must be:

d) received by Friday 12 February 2010 (a date at least 6 weeks after the date of publication of this proposal);

e) made in writing; and

f) sent to:

Nitin Parshotam, Head of Asset Management Service, Children and Families, London Borough of Brent, 4th Floor, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.

## Alteration description

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

### Existing Provision

Hay Lane Special School currently offers 120 places for boys and girls aged mainly between the ages of 3 and 19 years. At January 2009 there were 116 pupils on roll.

Hay Lane Special School is currently organised to provide for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, and Autistic Spectrum Disorder. In addition to their learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), physical difficulties, challenging behaviours and or medical needs.

### The Proposed Alterations:

The Local Authority intends to:

1) Increase the number of pupils at Hay Lane Special School from its current 120 places to 235 places. The enlarged school will continue to provide for both boys and girls aged mainly between 3 and 19 years all of whom have special educational needs.

This expansion will take place in two stages. The first stage will be from 1 September 2010 when the school will be enlarged to 210 places. The second stage of the expansion to 235 places will take place on completion of construction works to rebuild the school. This is projected to be available from 1 September 2013.

2) Change the type of special educational needs for which Hay Lane Special School is organised. The current range of needs for which it makes provision will be retained. To this will be added the range of needs for which Grove Park Special School currently makes provision. The detail of this is set out below and in paragraph 18

To enable this to happen the Local Authority is simultaneously publishing a separate statutory notice proposing the closure of the adjacent Grove Park Special School Grove Park, London, NW9 0JY on 31 August 2010. The site and buildings of Grove Park Special School will become part of the enlarged Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School. The staff from the two schools will combine to form the staff of the enlarged Hay Lane Special School. The detail of the staffing arrangements of Hay Lane Special School from 1 September 2010 is currently being developed by the federated governing body of Hay Lane and Grove Park Special Schools in consultation with the Local Authority.

If any of these proposals is rejected, the others will be abandoned.

### Changes to the type of educational needs for which the school is organised

Once expanded Hay Lane Special School will make provision for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and or significant medical needs.

This description captures all the needs of all the pupils currently registered to Hay Lane and Grove Park Special Schools (see paragraph 18 below).

The expanded Hay Lane Special School will provide places for all pupils on the roll of Hay Lane and Grove Park Special Schools at 31 August 2010 who wants one (approximately 205 pupils are expected to be on roll at that time) and who would otherwise be continuing their education into the 2010/2011 academic year at one or other of the existing schools.

The additional places from 1 September 2013 will allow the Local Authority to place children at the school that might otherwise have been placed out of borough. The increase reflects predicted demographic trends in numbers of pupils with Autistic Spectrum Disorder and other learning difficulties and disabilities over the next few years, for which Hay Lane Special School would be a suitable placement. Increasingly pupils with physical and sensory needs but without cognitive difficulties are being provided for in mainstream schools and the future roll of the school is likely to reflect that shift.

The Hay Lane and Grove Park Special Schools occupy adjacent sites and share some buildings, a heating system and other amenities. Both buildings are facing major suitability and condition problems. An investment appraisal has been carried out which confirms that it is no longer cost-effective to continually maintain and repair the existing buildings. That is why the Local Authority plans to rebuild the two schools. However, for the new buildings to meet the new standards for special educational buildings as set out in the Department for Children Schools and Families design guidance building bulletin 102 and to avoid wasteful duplication and unnecessary public expenditure the Local Authority plans to rebuild the two schools as one school. The vision for the rebuilt school that forms the basis for the architectural brief is attached as appendix 4. The new buildings will reflect current thinking on the best way to educate children with severe and profound learning difficulties, autistic spectrum disorders physical, sensory and medical conditions. It is anticipated that the rebuilding work will commence in 2011 and be completed by September 2013.

There is an adjacent parcel of undeveloped land designated through a section 106 agreement for health facility provision. It is planned to acquire this land during the rebuilding phase of the development of the school but to release it or an equivalent parcel of land at the end of the project to enable the health facility to go ahead. Any opportunity for co-location of health and educational facilities during this time will be explored and acted on where appropriate agreements can be reached with NHS Brent or other relevant partners.

### **School capacity**

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

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

Hay Lane Special School currently offers 120 places for 3-19 year old boys and girls with special educational needs. As at October 2009 there were 118 pupils on roll.

Under this proposal Hay Lane Special School will be expanded to 235 (115 additional) places by September 2013 of which 210 will be available from September 2010. All places will be for boys and girls mainly aged mainly between 3 and 19 years all of whom will have special educational needs.

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

There is no fixed number or relevant year group for this school and none is proposed.

As now Brent Council remains the admitting authority for the school. Admission arrangements for the expanded school will be the same as for the current two schools namely that the school will admit all pupils whose statement of special educational needs names the school.

The number of pupils admitted at any time will, as now, be governed by the pupil's statement of special educational needs and the total numbers for which the Hay Lane Special School is designed. The roll of Year 7 upwards will be greater than the earlier years because children aged 11 transfer to Grove Park and Hay Lane Special Schools from Manor Special School for primary aged children. This arrangement will continue.

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

See (a) and (b) above

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

Not Applicable

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

The current roll of Hay Lane School is 118.

### **Implementation**

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

Not Applicable

### **Additional Site**

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

Grove Park Special School and Hay Lane Special School occupy adjacent sites and share some buildings, a heating system and other amenities.

Under these proposals and that relating to the closure of Grove Park School on 31 August 2010, the site and buildings of Grove Park Special School will become part of the expanded Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School.

From 1 September 2010 Hay Lane School will occupy this larger site. There will be no split site.

Between 2011 and 2013 the Local Authority is planning to rebuild the Hay Lane School. There is an adjacent parcel of undeveloped land designated through a section 106 agreement for health facility provision. It is planned to acquire this land during the rebuilding phase of the development of the school but to release it or an equivalent parcel of land at the end of the project to enable the health facility to go ahead. Thus in the long term there will be no net change in the area of the school site. The current site area at approximately 2ha meets the area guidance for a school of this size and mix of pupil ages.

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

Not Applicable

### **Changes in boarding arrangements**

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

Not Applicable

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

Not Applicable

**Transfer to new site**

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

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

Not Applicable

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

Not applicable

- (c) the reason for the choice of proposed site;

Not Applicable

- (d) the accessibility of the proposed site or sites;

Not Applicable

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

Not Applicable

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

Not Applicable

**Objectives**

**31.** The objectives of the proposals.

8. To promote the Central Governments objective set out in Higher Standards,

**Better Schools October 2005** by helping the LA drive up standards and deploy resources more effectively and efficiently.

9. **To create a school organisation that promotes the maximum benefit for children from the resources and staff skills available.** That points to Grove Park and Hay Lane Special Schools becoming one school. The distinction between Hay Lane and Grove Park Special Schools is in any case blurring. Historically Grove Park was a school for pupils with physical difficulties. Increasingly the pupils also have medical needs and increasingly severe learning difficulties. Historically Hay Lane was a school for pupils with severe learning difficulties but increasingly they have more complex physical and medical needs. Consequently the overlap in the needs of their pupils is growing. The schools already share some accommodation, share a heating system, plan some activities jointly and are managed by a single governing body via a hard federation. Consequently the degree of collaboration between them is growing. The skills among staff are increasingly relevant to both school communities. Those skills and associated teaching and therapy facilities could be deployed to the greater benefit of all pupils if the two schools become one. Therefore the Local Authority believes that forming one school by expanding Hay Lane Special School and discontinuing Grove Park Special School is the right way forward. They have been supported in that view by those consulted.
10. **To provide an opportunity to provide more places in line with the predicted demographic trends for pupils with learning difficulties and disabilities.** Not only will all pupils from Grove Park transfer to an expanded Hay Lane School along with their staff, premises, furniture and equipment but the rebuilding of the school will allow it to be built for 235 pupils, an increase of 25 places which is in line with current demographic trends.
11. **To overcome the major suitability and condition problems of the current premises.** Rebuilding the school will allow the premises in which the children will be educated to comply with the Department of Children Schools and Families guidance on school accommodation for pupils with SEN (Building Bulletin 102). A feasibility study has shown that to do this without the two schools becoming one would be very difficult, make poor use of the site, lead to duplication of provisions and increase public spending unnecessarily.
12. **To meet the Central Government objective of transformation, innovation and dynamism** when replacing school buildings that fall well short of current suitability and efficiency criteria. This project will meet those criteria, allow the schools to make substantial revenue savings on building running costs, assist the Local Authority to meet carbon saving targets whilst providing pupils and staff with high quality suitable premises within which to learn and work.
13. **To treat these vulnerable pupils equally with their able bodied peers** who are benefiting from the Building Schools for the Future capital investment programme.
14. **To maximise service integration by providing opportunities for co locating short break services and health facilities.** This project provides an opportunity to co-locate the Local Authority's short break unit on the site. That in turn replaces two existing buildings which also have a number of suitability shortcomings. It is noted that many of the families and pupils of these schools use this facility. Discussions are also on-going with NHS Brent over possibilities for co-locating other health services. This is particularly relevant to this school given the extensive therapy facility needed for its pupils including a hydrotherapy pool and nursing care for feeding, drugs administration and the like for some pupils. Adjacent land is earmarked for development by two local GP practices as a health centre. The Local Authority continues to discuss with NHS Brent the possibilities and opportunities co-location of these facilities might bring to the mutual benefit of service users. This is not critical to the school plans but would be an excellent addition.

## **Consultation**

32. Evidence of the consultation before the proposals were published including:

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
- (e) copies of all consultation documents and a statement on how these documents were made available.

**Consultees**

a)

Parents of all pupils at Grove Park Special School; Parents of all pupils at Hay Lane Special School; Staff at Grove Park Special School (including NHS staff); Staff at Hay Lane Special School (including NHS staff); All schools in Brent & their pupils were also consulted through their school councils; Governors of the federation of Hay Lane and Grove Park Special Schools; Head of Integrated Services for SEN & Disability, Brent Council; Head of Special Education Needs Assessment Service, Brent Council; Staff Trade Unions GMB/Apex, TGWU / ACTSS, Unison, NUT, ATL, NAS/UWT and NAHT;	NHS Brent; DCSF; Senior Communications Officer Children & Families, Brent Council; Other neighbouring local authorities: Harrow, Barnet, Camden, Hammersmith & Fulham, Hillingdon, Kensington & Chelsea, Westminster who also place children in the schools; Ward Councillors and Education spokes people as follows: Queensbury Ward (Grove Park); Fryent Ward (Hay Lane School); Voluntary Organisations list appended.
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- b) No public meetings were held and none were requested.
- c) A report on and the views of persons consulted is attached as appendix 1.
- d) All applicable statutory requirements to consult in relation to these proposals have been complied with.
- e) A copy of the consultation document issued by the London Borough of Brent is attached as appendix 2. The schools distributed it by hand to parents, pupils, and staff. The LA used internal and external mailing services and email as appropriate to send copies to the other stakeholders listed above.

**Project costs**

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

School Construction cost	£20.9m
Short Break Centre Construction Cost	£1.8m
Temporary Accommodation Arrangements	£1.6m
Surveys and temporary services etc works	£0.8m
Catering, loose F&E & ICT	£1.4m
Land acquisition	£1.1m N.B. will be sold at end of project
Fees	£2.4m



Total all to be met by LA & Government Grant £30.0m

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

Apart from the second stage of the expansion of the school from 210 to 235 places these proposals are not dependent on this building project being implemented. If the project did not take place for some reason all the objectives of the project set out in paragraph 10 above could not be realised but the key educational ones (objectives 1 & 2) of making better use of the available staff and material resources would be.

The LA has agreed to proceed to RIBA design stage D on the basis of a financial appraisal that showed that rebuilding in the long term was cost effective compared with repairing and running the existing premises of the two schools. That report also showed that the revenue savings from facilities and in-borough placements as numbers grow make the project at £30m affordable.

A copy of the 26 May 2009 Executive Report based on this appraisal is available on request.

The costing in paragraph 12 above is based on an assessment at the end of the RIBA feasibility design stage A/B and shows that the project is affordable and is therefore highly likely to go ahead.

The analysis in the 26 May 2009 report includes for the temporary acquisition of the adjacent vacant undeveloped parcel of land. See also paragraph 7 above

#### **Age range**

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

Not Applicable

#### **Early years provision**

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

### **Changes to sixth form provision**

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

### **Special educational needs**

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

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

Both, Hay Lane and Grove Park Special Schools are for boys and girls mainly between

the ages of 3 and 19 years. The provision after these proposals come into effect will also be co-educational for pupils of the same age range.

Both, Hay Lane and Grove Park Special Schools either have or have access to physiotherapy services, nursing support, hydrotherapy provision and swimming pool. All these facilities will be available to the pupils after these proposals have been implemented.

Hay Lane Special School is currently organised to provide for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, and Autistic Spectrum Disorder. In addition to their learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), physical difficulties, challenging behaviours and or medical needs.

Grove Park Special School is currently organised to provide for pupils with Physical Disability with associated learning difficulties including severe, profound and multiple learning difficulty. In addition to their physical and learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment) and or significant medical needs.

Once expanded Hay Lane Special School will make provision for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and or significant medical needs.

(b) any additional specialist features will be provided;

There will be a purpose built swimming / hydrotherapy pool and other specialist therapy areas.

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

Hay Lane will provide 235 places of which 210 will be available from 1 September 2010. The remainder will be available once building works to rebuild the school are completed. That is projected to be from 1 September 2013

(d) details of how the provision will be funded;

See paragraph 12 above

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

The provision is not intended for use for pupils other than those registered at Hay Lane school although it is likely that the school will develop more extensive outreach services as a centre for expertise.

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

The provision is not being paid for from the school's delegated budget

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

Not Applicable

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

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 local authority has conducted the SEN improvement test that has identified benefits for organising as one school for all children which include the following:

- Improved continuity of provision and curriculum access;
- Improved access to specialist staff both those employed by the Local Authority and those employed by NHS Brent to work in the school;
- Improved access to specialist staff employed to work for the Local Authority's specialist support services as well as those from other partner organisations and voluntary agencies.
- An SEN policy that will fully meet the requirements of the SEN Code of Practice and the Local Authority's disability equality scheme and accessibility strategy;
- Eradication of the condition, suitability and accessibility problems with the existing school buildings by rebuilding the school that fully comply with the current DCSF guidance on building for SEN namely Building Bulletin 102;
- Access to suitable therapeutic facilities and resources;

In addition developing the brief for the rebuilding project has enabled the staff of the two schools to come together to work on a coherent vision for the school and develop joint working. The detail of this is set out in appendix 4 and is also referred to in paragraph 4 above.

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

All places are for children with special educational needs. from 1 September 2010 this will be 210 places. Once the school has been rebuilt (probably by summer 2013) an additional 25 places will be available which meets rising demand from current demographic trend predictions.

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

a), b) & c) See paragraph 18(h)

d) Under this proposal 25 additional places will be provided on delivery of new buildings alongside the 210 rebuilt places. The additional places will allow the LA to place children at the school that might otherwise have been placed out borough.

### **Sex of pupils**

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

Not Applicable

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

Not Applicable

#### **Extended services**

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

Both schools currently offer a range of extended services to children and their families. These range from after school clubs (and in particular swimming facilities for disabled people and their families on 6 days of the week), support groups and training for parents, off site visits and visitors to the school. The expanded Hay Lane Special school will continue with those extended school services currently provided separately.

The rebuilding of the school will provide an opportunity to further develop community services where greater outreach to the community is envisioned. Community swimming facilities for children with disabilities and their families will be greatly enhanced following the rebuild

#### **Need or demand for additional places**

**45.** If the proposals involve adding places—

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

The first increase in pupil numbers at Hay Lane of 90 to 210 in September 2010 is to

allow all the children from Grove Park to transfer to the school. There is no increase in places overall because Grove Park will close at the same time with a reduction of 90 places. The planned second stage increase of a further 25 places in 2013 to 235 places following rebuilding the school reflects predicted demographic trends in numbers of pupils with ASD and other learning difficulties and disabilities for which the Hay Lane Special School will offer a suitable place.

The detail of that forecast is attached as appendix 3.

The additional places will allow the LA to place children at the school that might otherwise have been placed out borough.

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

Not Applicable

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

Not Applicable

**46.** If the proposals involve removing places—

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

Not Applicable

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

Not Applicable

**Expansion of successful and popular schools**

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

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

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

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

of the Prescribed Alteration regulations.

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

Not Applicable.



## **Attachment No. 1 for Appendix A**

London Borough of Brent (Appendix 1)

Children and Families Department

Grove Park and Hay Lane Schools

### **Response to the consultation on proposal to Reorganise as One School Introduction**

1. The Council is considering rebuilding Grove Park and Hay Lane schools to improve the quality of education provided and to bring the buildings up to current educational, space and environmental standards.
2. Any proposals must satisfy the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards.
3. With that in mind, the possibility of rebuilding the schools has been discussed with the schools over the last year. Those discussions are ongoing and have included the possible implications rebuilding might have on the children, staff, education and organisation of the schools.
4. The distinction between the two schools is blurring as the degree of collaboration between them and the overlap in the needs of their pupils grows. Similarly the skills among staff are increasingly relevant to both school communities. Those skills and teaching facilities could be deployed to the greater benefit of all pupils if the organisation as two schools were changed. Therefore the LA believes that forming one school is the right way forward. The Council's preferred option is to merge the two schools and rebuild them as one school on their current sites (see option 3 below).

### **Background**

5. A financial investment appraisal and initial study shows that refurbishing and extending the existing buildings on the current site is not practical because:
  - 5.1. the buildings will take up too much of the site and restrict the outdoor space available to the children;
  - 5.2. joining up the buildings and creating a sensible educational arrangement of spaces will be very difficult;
  - 5.3. in the long term it would be more expensive than to rebuild;
  - 5.4. the old buildings will never meet current environmental standards;
  - 5.5. the presence of asbestos, although safely encapsulated in the fabric of the building, will remain and
  - 5.6. the current traffic problems created on site and in adjoining streets when children are set down and picked up each day will not be solved.
6. Having undertaken these preliminary investigations and informal consultations with stakeholders, the Council organised the first, consultative stage of the statutory process required when changing the organisation of schools. That consultation commenced on 10 July 2009 and closed on 9 October 2009. Consultation was extended upto Friday 13 November 2009. In addition the governors of the two schools formed a hard federation from 1 September 2009 to assist them in managing this change if the decision were taken to proceed.
7. Questionnaires were used to capture the views and feedback of the stakeholders. These were distributed to the following parties:
  - 7.1. Parents at Grove Park;
  - 7.2. Parents at Hay Lane;
  - 7.3. Staff at Grove Park (including NHS staff);
  - 7.4. Staff at Hay Lane (including NHS staff);
  - 7.5. All schools in Brent & pupils through their school councils;
  - 7.6. Governors of the federation of Hay Lane and Grove Park schools;

- 7.7. Head of Integrated Services for SEN & Disability, Brent Council;
- 7.8. Head of Special Education Needs Assessment Service, Brent Council;
- 7.9. Staff Trade Unions GMB/Apex, TGWU / ACTSS, Unison, NUT, ATL, NAS/UWT and NAHT;
- 7.10. NHS Brent;
- 7.11. DCSF;
- 7.12. Senior Communications Officer Children & Families, Brent Council;
- 7.13. Other neighbouring local authorities: Harrow, Barnet, Camden, Hammersmith & Fulham, Hillingdon, Kensington & Chelsea, Westminster who also place children in the schools;
- 7.14. Ward Councillors and Education spokes people as follows:
  - 7.14.1. Queensbury Ward (Grove Park);
  - 7.14.2. Fryent Ward (Hay Lane School);
- 7.15. Useful Organisations.

**The following four options were included in the questionnaire:**

- 8. The first two options describe what might happen if the schools are not reorganised as one school.
  - 8.1. Option 1: Operate as two separate but federated schools; or
  - 8.2. Option 2 Operate as one school but stay as a federation.
- 9. The other two options (options 3 and 4) describe two different ways of bringing about the reorganisation to form one school.
  - 9.1. Option 3: Merge the two schools by expanding one school to take all the pupils from the other and close that other school. In this option no new school is created. This is the Council's preferred way forward; or
  - 9.2. Option 4 Amalgamate the two schools. In law, when schools amalgamate, both of the existing schools close and a new school is created.

**Questionnaire Responses**

- 10. In total over 500 questionnaires were issued. 44 responses (approx. 8.8%) were received by the closing date. The distribution of response is as follows:

Stakeholders	Total	Options				
		Against the two Schools Becoming One (Options 1 & 2)	In favour of Two Schools Becoming One (Options 2 & 3)	In favour of Two Schools Becoming One By Expanding one School and Closing the Other (Option 3)	In favour of Two Schools Becoming One By Amalgamation – closing both schools and opening a new school (Option 4)	No Option Selected
Staff	11	3	8	4	4	
Staff No preferred method	3		3			
Parents	26	16	10	7	3	
Pupils	0					
Governing body of the federation of Grove Park & Hay Lane schools	1		1	1		
Brent Unison	1		1	1		
Brent Council	1		1	1		
Other	1					1
<b>Totals</b>	<b>44</b>	<b>19</b>	<b>24</b>	<b>14</b>	<b>7</b>	<b>1</b>

- 11. 24 (55%) out of 44 respondents are in favour of the two schools becoming one. Of which, 14 are in favour of expanding one school and closing the other; and 7 respondents have voted for closing both the schools and opening a new school.

12. 19 (43%) out of 44 respondents are against the two schools becoming one. 62% of the parents responding have selected this option.
13. In total 10 out of the 44 responses selected a start date of 1<sup>st</sup> September 2010.
14. Detailed responses are attached as Appendix 1. The questionnaire is attached in appendix 2 for information.

#### **Consultation Meeting with staff and Trade Unions**

15. Following the close of the consultation period the Brent Teachers' Panel asked that the LA hold a meeting with all staff of Hay Lane and Grove Park Schools and asked for a meeting of the Consultative Advisory Group for this project. Those meetings took place on 6 November. As a consequence two further group responses were received by 13 November, (the agreed deadline): one from the Teacher's Panel and one from a group of staff from Grove Park School.
16. The response from the Teachers' Panel was supportive of the proposal for the two schools becoming one by expanding one school and closing the other. In their view a merged new build will provide a new building fit for purpose and meet health & safety requirements. They attached caveats to that support. In particular their support was conditional on the plans to rebuild the schools going ahead. The others which are about the implementation of the change are set out in Appendix 1.
17. The response from the group of staff at Grove Park did not comment directly on the proposal but on aspects of consultation and implementation of change. These issues are addressed in Appendix 1.

#### **Findings and Conclusions**

18. From the table above it is fair to conclude that there is a numerical majority of respondents in favour of Brent's proposal to merge Grove Park and Hay Lane Schools
19. When judging the support or otherwise for the LA's proposals, appropriate weight needs to be given to group responses. It is not a simple arithmetic process of counting replies. In particular the response from the governors represents the collective view of 20 people, including both staff and parent representatives and thereby carries substantial weight. Similarly the responses from Unison and the Teachers' Panel in each case represent the views of a body of support staff and teaching staff respectively. Therefore it is actually fair to conclude that there is a substantial majority of parent and staff who support the LA's proposal to merge the schools by closing one school and expanding the other and to be able to offer up to 235 places.
20. However the expansion to a roll greater than the current 210 places cannot be implemented until the new buildings are complete and that may not be until September 2013. The statutory notices will need to reflect that fact.
21. The schools' and governors' clear view, supported by officers, is that managing the schools will be greatly assisted by the merger having happened prior to the start of the building works including any temporary accommodation arrangements required to clear working space for the contractor.
22. Of those that responded to the question of when the merger should take place all but one agreed 1<sup>st</sup> September 2010. The one that did not suggested that the merger take place once the building works are complete (and was linked to the choice of Option 4). However that does not take into account the managerial and

logistical issues involved during the construction period. This is referred to in paragraphs 6 and 21 above.

23. There is every intention that the rebuilding of the schools will go ahead to the current timescales. However if the building works are delayed particularly those associated with temporary accommodation arrangements then the date of merger might need to be deferred. The explanatory notes to any statutory notice might usefully make that clear.
24. The other issues raised by respondents can be and are being addressed through the briefing process for the building project and discussions with the relevant trade unions and staff where they relate to staffing and employment issues.

**Other Matters to resolve if statutory notices are to be published**

25. Throughout the consultation it has been emphasised that the merger is of two equally successful schools. There were no educational reasons for choosing one school rather than the other to close and which to expand. It is largely a technical matter.
26. Officers however recommend that the merger is effected by closing Grove Park and expanding Hay Lane. This is because Hay Lane's budget is in deficit and if it were to close that deficit would fall to the schools' budget generally and would therefore impact on other schools. By expanding Hay Lane the deficit stays with the school in its expanded form and it will remain the responsibility and priority of the school's governors to address and correct that financial position.

**Recommendations**

27. Officers therefore recommend that:
  - 27.1. The Council proceed to publish the requisite statutory notice as soon as practical to merge the two schools by closing Grove Park and expanding Hay Lane; and
  - 27.2. The merged school offers 210 places for boys and girls aged mainly between 3 and 19 years of age with effect from 1 September 2010 with a further 25 places available once the new buildings are ready for occupation in 2013.

## Consultation responses for One School Survey:

1. A member of staff and School Governor feels that one school will enable a clear vision for all children to Brent with disabilities regarding their educational needs, health / physical well being and in all activities of daily living.
2. Parent of a pupil voted for option 3 as I understand that options 1 & 2 are impractical in view of the need to be rebuild / update both of the current schools facilities. Whilst I believe this gives an opportunity to build a new school explicitly designed to meet the needs of the pupils, I feel it is vital that this continues to recognise the separate intakes that led to the current 2 schools and hope that these differing needs will be reflected in the rebuild.
3. Parent of a pupil said if the schools do not have significant structural advantage, one over the other, then it would appear that as Hay Lane accommodates the larger proportion of pupils at present, it may be less disruptive to expand Hay lane giving greater continuity of education to the children.
4. Member of staff opted for closing both schools and opening a new one.
5. Brent Unison opted for option 3 and supported the implementation date of 1<sup>st</sup> September 2010
6. Parent of a pupil opted against the two schools becoming one. He commented that some children at Grove Park are very vulnerable and would not be able to be mixed with Hay Lane. Would this create a good atmosphere with them being kept separate?
7. Member of staff is in favour of option 3 and supported the implementation date of 1<sup>st</sup> September 2010.
8. Member of staff preferred option 4 and thinks implementation date should commence when new building is due for completion i.e. September 2012
9. Local authority school is in favour of option 3 and supported the implementation date of 1<sup>st</sup> September 2010.
10. Governing body of the federation of Grove Park & Hay Lane schools are in favour of the two schools becoming one by expanding one school and closing the other. They support the implementation date of 1<sup>st</sup> September 2010.
11. Parent of a pupil supported option 1 against the two schools becoming one.
12. A member of the staff opted for option 3 stating, enlarge Hay Lane School and close Grove Park as Hay Lane is already established with wider range of needs including facilities for ASD children which Grove Park lacks. Building accommodates wider range of needs ASD + PMLD type with excellent outdoor facilities to enhance.
13. There is one response where the person has commented that he is not in a position to complete the form as there are insufficient boxes.

## Responses received via Hay Lane & Grove Park Schools on 12<sup>th</sup> October 2009

1. A member of the staff favours option 4 and supports the implementation date of 1<sup>st</sup> Sept 2010
2. A parent favours option 4 and supports the implementation date of 1<sup>st</sup> Sept 2010
3. A member of the staff chose option 1 and is against the two schools becoming one
4. A parent opted for option 3 merging expanding one school & closing the other
5. A member of the staff commented, I only support the merging if a new school would be built, because we might have a merger and not have a new building
6. A parent favours option 3 of merging & chose the implementation date on 1<sup>st</sup> Sept 2010
7. A member of the staff chose option 4 and supports the implementation date of 1<sup>st</sup> Sept 2010
8. A member of the staff opted for option 3 merging expanding one school & closing the other
9. A member of the staff favours option 3 and supports the implementation date of 1<sup>st</sup> Sept 2010
10. A parent favours option 4 of amalgamation of two schools
11. A parent favours option 4 and supports the implementation date of 1<sup>st</sup> Sept 2010 and commented that we need two Headteachers, one for Primary and another for secondary
12. A parent opted for option 3 merging expanding one school & closing the other
13. A parent of a pupil is against the two schools becoming one
14. A member of the staff is against the two schools becoming one
15. A member of the staff chose option 4 and supports the implementation date of 1<sup>st</sup> Sept 2010
16. A member of the staff is against the two schools becoming one
17. A parent of a pupil is against the two schools becoming one
18. A parent of a pupil is against the two schools becoming one
19. A parent of a pupil is against the two schools becoming one
20. A parent of a pupil is against the two schools becoming one
21. A parent of a pupil is against the two schools becoming one
22. A parent of a pupil is against the two schools becoming one
23. A parent of a pupil is against the two schools becoming one
24. A parent of a pupil is against the two schools becoming one
25. A parent of a pupil is against the two schools becoming one
26. A parent of a pupil is against the two schools becoming one
27. A parent of a pupil supported option 3 and said either one can be enlarged or the other be closed. This is much more effective & efficient compared with if it has to start building a new one.
28. A parent opted for option 3 merging expanding one school & closing the other
29. A parent of a pupil is against the two schools becoming one
30. A parent of a pupil is against the two schools becoming one.

A response from the parents of a possible future pupil of Grove Park School highlights some matters which illustrate concerns raised more broadly during discussions with stakeholders and are addressed more fully below. These parents are opposed to the two schools becoming one. They put forward 3 main arguments:

The consultation makes clear that the LA expects that increasingly pupils with significant physical and or medical needs but who do not have significantly impaired cognition will

be placed in mainstream schools. This respondent did not consider that to be the right approach. They see this as a diminution of choice for parents of such children and foresee such children suffering psychological damage from bullying and being made to feel different by peers.

Although this particular couple may not want mainstream education for their child that is not what the majority of parents of such children seem to want and it is not what either Brent or central government believe is in such children's best interest. There is no evidence that schooling in inclusion friendly schools results in psychological damage to included children.

This couple also argue that the range of disability would be too wide for any teacher to teach effectively. The LA contends that this issue does not arise. No teacher in either school currently nor would they in the merged school, teach the full range of difficulties in one classroom at the same time. They do of course differentiate the curriculum in appropriate ways for the particular children they have. Children are already grouped by need; ASD and PMLD being obvious examples. That is not going to change. Furthermore the staff of the merged school will be populated largely if not exclusively from the staff of the current two schools.

The respondent considers that mixing children with lower ability with the high functioning physically disabled pupils would be a retrograde step and be disruptive to the latter's education. The LA does not share that view and sees no evidence that that is the case. The LA is supported in that view by the Government's inclusion agenda.

Finally this respondent suggests that lowering the cognitive range of pupils in the school will curtail the staff development opportunities for the staff. The LA does not share that view. The merging of the two schools will widen the opportunities of all staff to work with additional groups of pupils. This will provide opportunities for training to broaden their portfolio of skills.

In their response to the consultation the Teachers Panel included some caveats to their support. These are:

- The authority continues with its plans and implementation for a new building/buildings so that staff are not left finding themselves in a merged school with an old, crumbling building
- The authority continues, at each stage of design, to fully consult staff members on the design and plans for the new school
- The authority adheres to its policy for reorganisation of schools, i.e. consulting with trade unions at each stage and involving them fully in consultation meetings with staff
- Head Teacher posts will be ring-fenced
- All jobs will be ring-fenced and a guarantee that all existing staff will have a post in the new school
- There will be no compulsory redundancies or loss of pay to any staff members
- Staff and unions will be fully consulted over proposed new staffing structures and where possible, existing areas of expertise will be used to good advantage in the new school.

The first point has been dealt with above. The Consultative Advisory Group will be the forum in which the implementation issues the Teacher's Panel raises will be discussed should the

TUs consider that the LA is not conducting the change in accordance with the agreements Brent has with the relevant trade unions which cover the points raised above.

A group of staff from Grove Park School have raised concerns about job insecurity, leadership, insufficient consultation time, new building, and termination period. In particular they are seeking guarantees over job security. They see it as their right to continue doing whatever it is they currently do. Whilst officers have made it clear that the usual processes will be undertaken to effect organisational change and that in this case as there are as many pupils to educate as now with the same or similar profile of needs, there is every expectation that current staff will find places in any shadow staffing structure once written. However in a time of change it is not possible to give guarantees of the kind sort and staff have been told that. Again the Consultative Advisory Group will be the forum in which concerns about this kind of thing can and will be aired.

This group also raised concerns that the leadership teams are planning for a change that has not yet been agreed. The LA's view is that that is the right and prudent thing to do if they see this change as more likely to happen than not. The leadership team is also criticised for not being transparent about this. The LA view is that this is an unfair criticism given the broad consultation that has happened over the last 18 months or so. Clearly when there are some proposals worked out staff and trade unions will be consulted on those details prior to implementation.

There is also criticism that consultation has only started recently. That is not true. There has been ongoing consultation over the last 18 months or more. All that is different now is that the most resent consultation document is the first stage of the statutory process the LA must follow when reorganising schools. That started on 10 July and finished on 7 October. These staff also feel that they have not had sufficient time to respond. The LA would reject that view.

This group of staff ask that the new buildings be built with the current children in mind; not the mix of children who may come along at some point in the future. The building is being briefed with the current children in mind and there has been extensive staff and pupil involvement in that process. However it would be irresponsible for the LA to commit some £30m of public money to a project without considering what future need there may be for it. That is what has been done.

These staff ask whether they will be given 12 weeks (or 90 days) notice of termination of employment in order to be offered a new role in the new school. This question seems to be predicated on the misconception that to be offered a changed role involves a termination of employment. That is not the case. Clearly people's current contract will be respected and changes implemented in accordance with the provisions within their contract.



Consultation on a Proposal to Reorganise Hay Lane and Grove Park Schools as a Single School  
Reply Form

*(Please tick as appropriate)*

1. I am against the two schools becoming one (Options 1 & 2)
2. I am in favour of the two schools becoming one. I prefer this to be done by:  
Option 3 merging i.e. expanding one school and closing the other   
Option 4 amalgamation i.e. closing both schools and opening a new school with a competition for who runs the school."
3. If you have chosen options 3 or 4 please tick if you support the proposed implementation date of 1st September 2010?
4. You are invited to say anything else about why you made your choice here including any particular views you might have on which school to enlarge and which to close if you have chosen option 3

*Please continue on the back of this form or on a separate sheet if you wish*

Please send your reply by Friday 9 October to:

Head of Asset Management Service  
c/o Rajesh Sinha Interim School Organisation Officer  
London Borough of Brent, 4<sup>th</sup> Floor Chesterfield House  
9 Park Lane, Wembley HA9 7RJ  
email: [consultations.schoolorganisation@brent.gov.uk](mailto:consultations.schoolorganisation@brent.gov.uk)

You may give your name if you wish

here.....

To help us analyse the responses please indicate below:

- I am a parent of a pupil at either Hay Lane or Grove Park School
- I am a member of staff of Hay Lane or Grove Park School
- I am another consultee (*please specify below*)

.....

## **Attachment No. 2 for Appendix A**

London Borough of Brent (Appendix 2)  
Children and Families Department  
Grove Park and Hay Lane Schools

### **Consultation on Proposal to Reorganise as One School**

#### **Introduction**

1. The Council is considering rebuilding Grove Park and Hay Lane schools to improve the quality of education provided and to bring the buildings up to current educational, space and environmental standards.
2. Any proposal must satisfy the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards. Unless the Local Authority (LA) can do so it will not be allowed to spend the money needed to make these improvements.
3. With that in mind, the possibility of rebuilding the schools has been discussed with the schools over the last year. Those discussions are ongoing and have included the possible implications rebuilding might have on the children, staff, education and organisation of the schools.
4. The distinction between the two schools is blurring as the degree of collaboration between them and the overlap in the needs of their pupils grows. Similarly the skills among staff are increasingly relevant to both school communities. Those skills and teaching facilities could be deployed to the greater benefit of all pupils if the organisation as two schools were changed. Therefore the LA believes that forming one school is the right way forward. The Council's preferred option is to merge the two schools and rebuild them as one school on their current sites (see option 3 below).
5. A financial investment appraisal and initial study shows that refurbishing and extending the existing buildings on the current site is not practical because:
  - 5.1 the buildings will take up too much of the site and restrict the outdoor space available to the children;
  - 5.2 joining up the buildings and creating a sensible educational arrangement of spaces will be very difficult;
  - 5.3 in the long term it would be more expensive than to rebuild;
  - 5.4 the old buildings will never meet current environmental standards;
  - 5.5 the presence of asbestos, although safely encapsulated in the fabric of the building, will remain and
  - 5.6 the current traffic problems created on site and in adjoining streets when children are set down and picked up each day will not be solved.
6. This document is intended to guide the consultation stage of a statutory process that must be used when proposing changes to the organisation of schools. It explains the proposals in detail and asks for your views on the options for bringing this about.

#### **The Four Options**

7. The first two options describe what might happen if the schools are not reorganised as one school.

- 7.1 Option 1: Operate as two separate but federated schools; or
  - 7.2 Option 2 Operate as one school but stay as a federation.
8. As many of you will know the governors of the two schools are forming a federation from September this year so that the two schools will be managed by one governing body but remain separate legal entities. The governing body of the federation is responsible for the standards of education and welfare of all the children and staff of both schools in equal measure. The governors may:
- 8.1 Option 1 Continue to run the two schools separately; or
  - 8.2 Option 2 Choose to increase collaboration and form one management team, have one head teacher etc.
9. The other two options (options 3 and 4) describe two different ways of bringing about the reorganisation to form one school.
- 9.1 Option 3: Merge the two schools by expanding one school to take all the pupils from the other and close that other school. In this option no new school is created. This is the Council's preferred way forward; or
  - 9.2 Option 4 Amalgamate the two schools. In law, when schools amalgamate, both of the existing schools close and a new school is created.
10. The governors of the two schools are currently planning to federate them. This means that they will manage the two schools through a single governing body because that will assist them to manage this proposed change. If conflicts of interest arise between the two schools, (and in this kind of change such conflicts are likely) the single governing body will be in a position to resolve them in the best interest of all pupils and staff.
11. This is not an exercise to save money. Special schools are funded largely by the number of places they offer. This is not being reduced. Hay Lane currently has 122 places and Grove Park 92 places. 210 of these places are currently filled. The single successor school is planned to provide about 235 places which makes provision for modest growth to reflect demographic trends over the next few years. These proposals are consistent with the Borough's Children's and Young Persons Plan.
12. If the schools are reorganised as one school there are no proposals to change who attends the schools. All pupils, as now, will be placed there following statutory assessment (except the few placed whilst being assessed) because it is suitable to meet their needs. All pupils on the roll of either of the current schools are guaranteed a place at the successor school. Thus from the point of view of pupils and parents, in the long term, they will see the facilities available to their children vastly improved, increased opportunities for higher quality of education and health related facilities whilst experiencing continuity of staff and curriculum.
13. Any changes to staffing arrangements in due course, will be undertaken using the procedures agreed with the relevant trade unions for bringing about organisational change. Whilst it is likely that the numbers of staff will not reduce, it is likely that the role and responsibilities of some staff will change. This will be a matter for the governors to decide in due course supported by the LA. There

are clear procedures for bringing about organisational change agreed with the relevant trade unions and, if agreed, this change will be effected in accordance with those agreed procedures.

### **Option 1 Continue to operate as two separate schools within the federation**

#### 14. Advantages

- 14.1 Certainty;
- 14.2 No disruption during a construction period;
- 14.3 No statutory reorganisation proposal or further consultation required.

#### 15. Disadvantages

15.1 It is very unlikely that approval to rebuild the schools will be received from central government because this option does not meet their objectives for raising standards, innovation and transforming education.

In that case:

- 15.1.1 It will not be possible to rebuild or bring the existing premises up to modern educational, space or environmental standards;
- 15.1.2 At best some money may be spent on repairing the existing buildings. Long term spending on aging and ailing buildings is not good value for money and would do nothing to address their clear shortcomings;
- 15.1.3 Asbestos would remain encapsulated within the fabric of the building. Although safe, it makes making alterations and repairs more expensive and time consuming;
- 15.1.4 This group of children will not enjoy the benefits of a 21<sup>st</sup> century educational environment; something becoming increasingly common among their peers in mainstream schools;
- 15.1.5 Sharing of facilities, including those provided by the health service will be limited because they will remain organised by two separate management teams with different priorities, different development plans and the like;
- 15.1.6 Sharing staff skills among all the children will be limited and opportunities for staff development curtailed.
  - 15.1.7 Significantly improving and extending community use is unlikely; to be possible; and
  - 15.1.8 The traffic problems will continue both on site and in the adjoining streets.

### **Option 2 Operate as one school but remain a federation**

#### 16. Advantages

- 16.1 No statutory reorganisation proposal or consultation required;
- 16.2 Once the federation exists it could be used to form a single management structure (one head teacher, one management team etc.) share resources etc.
- 16.3 Sharing of facilities, staff expertise and professional development would be facilitated.

#### 17. Disadvantages

- 17.1 There are limits to the extent of the co-operation possible in a federation. In particular the two schools would be inspected by Ofsted separately and the governors would have to account for expenditure against two budgets;

- 17.2 Either school could seek to end the federation at any time which is why it is still unlikely that approval to rebuild the schools will be received from central government. In that case:
  - 17.2.1 It will not be possible to bring the existing premises up to modern educational, space or environmental standards;
  - 17.2.2 At best some money may be spent on repairing the existing buildings. Long term spending on aging and ailing buildings is not good value for money and would do nothing to address their clear shortcomings;
  - 17.2.3 Asbestos would remain encapsulated within the fabric of the building. Although safe, it makes making alterations and repairs more expensive and time consuming;
  - 17.2.4 This group of children will not enjoy the benefits of a 21<sup>st</sup> century educational environment; something becoming increasingly common among their peers in mainstream schools;
  - 17.2.5 Significantly improving and extending community use is unlikely; to be possible; and
  - 17.2.6 The traffic problems will continue both on site and in adjacent roads.
  
- 18. Whilst a federated arrangement could continue for some time, the LA takes the view that whilst it will be an important and very helpful step in this process, it is not a long term or permanent solution in this case.

**Option 3 Merge the schools by expanding one school and closing the other**

- 19. This is the Local Authority's preferred option. The Local Authority also proposes that in consultation with the governors the expanded school is renamed to mark this significant change.

20. Advantages

- 20.1 The single governing body of the federated schools will oversee the reorganisation process in the interest of all the children and staff of both schools.
- 20.2 There would be a single shared vision for the school and holistic view of needs of the children;
- 20.3 There would be greater flexibility and efficiency in use of resources building on the growing collaboration between the two schools and the success of the new 6<sup>th</sup> form provision;
- 20.4 It will make the best use of the many and varied high quality talents and skills among the staff of both schools.
- 20.5 It will strengthen professional development arrangements;
- 20.6 It will make the best use of the two sites;
- 20.7 The traffic problems will be resolved;
- 20.8 Greater community use can be designed into the building; and
- 20.9 The new premises will be built to 21<sup>st</sup> century standards providing a modern, high quality educational environment to assist teachers to deliver the best education possible and to raise standards which will meet the Government's agenda for transforming schools and therefore obtain the necessary approval to rebuild the schools.

21. Disadvantages
  - 21.1 Considerable disruption during the construction phase;
  - 21.2 Some diversion of staff attention from education and the children to school reorganisation;
  - 21.3 At the point that one school is formed Part 4 of the statements of some children will need to be changed. That will require amended statements to be issued. As this will give the right to appeal to the Special Educational Needs and Disability Tribunal it will be done as part of the annual review process.

#### **Option 4 Amalgamation**

22. Advantages
  - 22.1 As option 3
23. Disadvantages
  - 23.1 As option 3 plus
  - 23.2 The statements of all children will need to be changed to name the new school.
  - 23.3 Current regulations require the running of all new schools, and that includes new schools created by amalgamation, to be put out to competition. An exemption from competition can be sought from central government but it is highly unlikely to be granted unless the early stages of the competition process reveal no interest by any other body to run the school. Brent could enter and possibly win that competition. However the competition process introduces a significant period of uncertainty. If the Council did not win, an extended period of uncertainty would follow whilst staff change employer and governance underwent a radical change.
  - 23.4 On balance Brent Council sees no advantage in a competition in this case. It takes the view that it would only add uncertainty at a time of change, make a complex situation more so, create delay and make the management of change more difficult to the detriment of the education of the children.

#### **Vision and curriculum aspirations and their transposition into the design brief**

24. The school that emerges will build on the quality provision and best practice of the current two schools. Children and young people will be at the centre of everything that the school does. The school will work very closely with parents to help children develop and achieve their hopes and aspirations. The learning environment, both indoors and out, will enable staff to plan children's individual learning pathways which focus on the child's needs and abilities.
25. The rich and stimulating curriculum will ensure that children and young people can engage in learning experiences which are broad and balanced and that respond to their different needs and priorities at different key stages. It will support personal, social and emotional development as well as the key skills and academic development appropriate to the needs of individuals and groups. It will promote self advocacy and enable children and young people to express preferences, communicate needs and make decisions. The life skills area already built in the post 16 block will help young people prepare for adult independent living.

26. The most up to date technology will be used throughout the buildings. In particular, computers and communication aids will help children to access the curriculum and the learning environment as well as develop additional skills. Technology will be used for children to access a wide range of sensory experiences. It will also be used to support staff with planning and assessment and communicating with parents.

### **Outstanding Difficulties**

27. The Council fully recognises that there are a number of matters about which parents and staff will be legitimately concerned. Among them are:
- 27.1 Option 3 requires one of the two existing schools to close and its pupils to transfer to the other. Whilst this is largely a legal technicality, for those directly involved it may not feel like that. As set out above all pupils are guaranteed continuity of education. The Council has no fixed view on which school should expand and which should close and will listen carefully to the governors' representations on this point. This is clearly reasonable given that Brent has supported federation because the single governing body is best placed to judge what is in the best interest of pupils and staff from both schools. However it has to remain a Local Authority decision because should closing one school rather than the other have a wider and different impact on other schools or Borough services then the Council will have to take that into account too. Also if you have any particular views on this matter at this stage the Council invites you to express them now. This will have to be resolved before the statutory notices are published because those notices will have to name which school is to close and which will expand and you will of course have a further opportunity to comment on this point at that stage.
- 27.2 To avoid doubt, when schools are reorganised whether this is by merging or amalgamating, there is no automatic appointment of one or other of the two existing head teachers to the headship of the successor school. Nor, in this case, does the headship have to be advertised nationally in the usual way. If the schools merge the governors have three options:
- 27.2.1 They could decide to advertise the post nationally as they would any other head teacher post. Both head teachers of the existing schools would be entitled to apply for the new headship post and compete for it alongside anyone else who applied.
- 27.2.2 Alternatively if both head teachers were interested in the new position the Governors could decide to ring fence the post, at least in the first instance, to a selection process between the current two head teachers. This would ensure both were treated fairly and equally.
- 27.2.3 Or, if only one of the two current head teachers were interested in the headship of the expanding school (and it would not matter which of the two head teachers was interested and which school was expanding) they could decide that the post is not subject to advertising or selection requirements and appoint that interested head teacher to that post.

- 27.3 Therefore deciding which school is closed and which expanded has no effect on how the headship for the expanding school will be decided.
- 27.4 Rebuilding the two schools in options 3 and 4 will be disruptive. The Council is currently considering how best this can be organised to minimise that disruption. Their first preference is to take all pupils off the site during the construction period. Whilst that move will be disruptive and finding /providing suitable alternative premises is proving difficult and is likely to be quite expensive, it will separate the children from the daily disruption and hazards of the construction work and lead to the shortest construction time so that the children will benefit from the new facilities at the earliest opportunity. The alternative is for a phased project with children decanting into either temporary buildings or using parts of the "other" school for some of the time. Clearly the challenge for either arrangement is maintaining the quality of education during this transitional period. What is clear is that the construction period cannot start until those practical difficulties are solved. That in turn may put back the start date proposed for the single school.

#### **Who we are consulting at this stage**

28. At this stage we are consulting:
- 28.1 All parents of pupils at the two schools;
  - 28.2 Pupils at the two school through their school councils;
  - 28.3 Both schools through the federated governing body;
  - 28.4 Staff at the schools and Staff Trade Unions;
  - 28.5 All Local Authorities that have children at the schools;
  - 28.6 NHS Brent both at a senior management and school level;
  - 28.7 Other schools in the Borough; and
  - 28.8 Voluntary organisations relevant to the pupils and their needs.

#### **The proposed implementation date**

29. The timescale for formal consultation and decision will take most of the rest of this calendar year and probably up to about Easter next year.
30. There will also be much preparation for the change including curriculum planning, staff organisation and amending pupils' statements. This is likely to take several months.
31. Construction is planned to start during the autumn term 2010 and therefore temporary accommodation and other arrangements will need to be in place for the children returning to school in September 2010.
32. For those organisational reasons the Council proposes that the single school should be in place for 1<sup>st</sup> September 2010.

#### **What Happens Next**

##### **The date by which written representations may be made to these proposals and the address to which they should be sent**

33. Written responses are invited to this consultation. All comments on these proposals must be received in writing by Friday 9 October 2009.
34. Written comments on these proposals are to be sent to:



Head of Asset Management Service  
c/o Rajesh Sinha Interim School Organisation Officer  
London Borough of Brent  
4<sup>th</sup> Floor Chesterfield House  
9 Park Lane  
Wembley  
HA9 7RJ

Email: [consultations.schoolorganisation@brent.gov.uk](mailto:consultations.schoolorganisation@brent.gov.uk)

35. A response form is set out at the end of this document for your convenience although you do not have to use it.
36. These proposals and the responses to it will be considered by Brent Local Authority who will decide whether to make formal proposals. These will take the form of a statutory notice which lasts for 6 weeks. That will set out the Council's final position and invite responses. The decision on whether to proceed and form one school and rebuild the two existing ones will normally be taken within two months of that consultation closing.

Consultation on a Proposal to Reorganise Hay Lane and Grove Park Schools as a  
Single School  
Reply Form

*(Please tick as appropriate)*

5. I am against the two schools becoming one (Options 1 & 2)
6. I am in favour of the two schools becoming one. I prefer this to be done by:
- Option 3 merging i.e. expanding one school and closing the other
- Option 4 amalgamation i.e. closing both schools and opening a new  
school with a competition for who runs the school."
7. If you have chosen options 3 or 4 please tick if you support the proposed  
implementation date of 1st September 2010?
8. You are invited to say anything else about why you made your choice here  
including any particular views you might have on which school to enlarge and  
which to close if you have chosen option 3

*Please continue on the back of this form or on a separate sheet if you wish*

Please send your reply by Friday 9 October to:

Head of Asset Management Service  
c/o Rajesh Sinha Interim School Organisation Officer  
London Borough of Brent, 4<sup>th</sup> Floor Chesterfield House  
9 Park Lane, Wembley HA9 7RJ  
email: [consultations.schoolorganisation@brent.gov.uk](mailto:consultations.schoolorganisation@brent.gov.uk)

You may give your name if you wish

here.....

To help us analyse the responses please indicate below:

- I am a parent of a pupil at either Hay Lane or Grove Park School
- I am a member of staff of Hay Lane or Grove Park School
- I am another consultee *(please specify below)*

.....

**Attachment No. 3 for Appendix A****Supporting evidence of the need for additional places at Hay Lane School (Appendix 3)**

1. The current joint population of Hay Lane and Grove Park schools is shown below. This is broken down according to year group, gender, primary need and banding level. The bands are based on Brent descriptors and show increasing levels of complexity of needs (i.e. Band 6 represents those children with the most complex needs).

**Table 1**

JOINT POPULATION Grove Park & Hay Lane															
Year Group	total		Primary Need					total	banding					Detail/additional information	
	m	f	PMLD	SLD	PD	Med	ASD		2	3	4	5	6	Hay Lane	Grove Park
R	5	2	2	1	2	1	1	7		1	1	2	3	2 behaviour;	
1	5	5	5	1	1		3	10			2	2	6	3 behaviour; 1 medical needs;	1 behaviour/emotional;
2	7	4	5	2	2		1	11			3	2	6	1 behaviour; 1 medical; 1 HI	VI;
3	8	6	4	4	3	3		14			1	4	9	1 blind; 1 medical	1 deteriorating condition; 2 behaviour/emotional ; VI; 2 constant
4	2	4	2	1	2		1	6			2		4	2 behaviour; 1 HI	1 VI; 2 constant
5	6	5	4	2	3	1	1	11		1	6	2	2	2 behaviour; 1 medical	
6	2	9	2	3	3	2	1	11		1	3	3	4	1 behaviour; 1 medical; 1 HI	1 constant supervision; 1VI
Prim tot	35	35	24	14	16	7	8	70	0	3	18	15	34		
7	16	5	4	6	1	2	7	21		1	8	4	8	4 behaviour; 2 medical;	1 additional medical
8	9	7	1	6	5	1	3	16		1	6	4	5	4 behaviour; 1 medical	Emergency Medical and physical support;
9	12	7	2	7	4	3	3	19		1	8	4	6	2 behaviour; 3 medical; 1 HI	1 deteriorating; ambulant;
10	6	8	3	4	3		4	14			7	1	6	3 behaviour;	VI. 2
11	8	10	2	6	4	2	4	18	1		7	3	7	5 behaviour; 1 medical	Tot depend

12	7	8	6	6	1	1	1	15			4	3	8	2 behaviour; 2 medical; 2VI, 1HI,	Extensive medical needs
13	7	9	2	4	6	2	2	16			5	3	7	4 behaviour; 2 medical	2 total dependent
14	8	6	2	8	1	1	2	14			6	2	5	5 behaviour; 2 medical	
Sec tot	73	60	22	47	25	12	26	133	1	3	51	24	52		
total	108	95	46	61	41	19	34	203	1	6	69	39	86		

2. The numbers of children requiring placement at Hay Lane in the future is projected to rise to 235 (an increase of approximately 15% from the baseline figure).
3. This is based on the following projections.
- i) Increase of the number of children with severe learning difficulties and autism transferring from Manor School to Hay Lane School. The current breakdown of needs at Manor School across all year groups is as follows
- ASD = 58%
- SLD = 29%
- MLD = 13%
- The breakdown according to banding levels is as follows
- Band 6 = 13%
- Band 5 = 21%
- Band 4 = 20%
- Band 3 = 29%
- Band 2 = 17%

This represents a changing profile of needs at Manor School over the years towards more complex needs. Most of the children at Bands 5 and 6 and some children at Band 4 are likely to require placement at Hay lane in the future.

The trend over the past 6 years of transfers from Manor School illustrates the increasing demand for places at Hay Lane for children with ASD and SLD which has been particularly marked over the past 2 years and is projected to continue.

**Table 2**

**Manor School 11+ Transfers 2004-2009:**

YEAR	Woodfield	Hay Lane	Pield Heath	Sybil Elgar
2004	100%	0%	0%	0%

2005	58%	26%	5%	11%
2006	75%	17%	0%	8%
2007	85%	15%	0%	0%
2008	40%	60%	0%	0%
2009	48%	48%	4%	0%

- ii) An increase of the number of children requiring a statutory assessment of SEN in Brent over the past few years from 196 in 2006 to 242 in 2008, a rise of over 20%. Allied to this there has been a recent rise in the number of statutory notifications from the health authority of young children who are likely to have special educational needs. This is across a range of categories of needs including young children with autism and with varying degrees of global development delay. It is difficult to ascertain at this stage the level of future needs but it is anticipated that there will be a rise in demand for placements for nursery and primary aged children at Hay Lane.
- iii) There are small numbers of children at Grove Park whose primary needs are physical /medical and who are working at National Curriculum level 2 and above.

**Table 3**

**This table represents those pupils who are working at NC2 and above in Grove Park between Y2 and Y10**

	NC2	NC3	NC4	NC5
Y2				
Y3	1			
Y4				
Y5	1			
Y6	3			
Y7	1			
Y8	1	2		
Y9	2			
Y10		1	1	
Y11	1	1	1	1

It is planned that children with this profile of needs will not be admitted to Hay Lane in the future and that their needs will be met in supported mainstream provision. However, it is anticipated that this will be offset by a reduction in out-Borough placements in the future, including children with sensory impairment and learning difficulties whose needs will be able to be met at Hay Lane rather than specialist out-Borough provision.

## **Attachment No. 4 for Appendix A**

### **Basis of Project Brief (Appendix 4)**

#### **The Vision**

The vision has been developed through extensive consultation with the children and young people with disability in Brent and their families.

The new school is envisaged as:-

- a centre of specialist expertise;
- a centre of outstanding practice and professional development in SEN and disability;
- capable of developing practice which builds on the current best practice of the two schools;
- a service provider sharing best practice in areas such as communication, managing behaviour and manual handling;
- providing fully extended opportunities alongside the co-located Short Break provision.

The new provision will seek to:-

- encompass all necessary areas of specialist support;
- emphasise pupil progression, independence and successful transitioning;
- enable pupils to be part of an inclusive, supportive and vibrant community;
- embrace all pupil communities so all pupils are an active part of the whole community ("everyone is connected/a play within a play").

The key principles underpinning the vision are that the provision should:-

- be determinedly outward looking;
- be integrated into the local and wider community;
- offer an enriching, broad and balanced curriculum;
- ensure full, age appropriate entitlement to all pupils as they progress through the provision or enter or leave the school as part of their overall school experience;
- ensure effective transition to, through and beyond school encompassing young adulthood (19-25);
- ensure a high level of effective communication so all pupils and staff experience a strong sense of belonging;
- ensure multi-professional working within the Every Child Matters Framework to support the learner and the family;
- be ambitious to achieve outstanding status on inspection and gain curriculum and/or specialist status.

#### **National and local context**

The new build is taking place at a time of continued national focus on issues relating to child disability and the education of children and young people with special educational needs/learning difficulties and disabilities.

- Nationally and internationally, there is growing awareness and recognition of the needs of babies born very prematurely, at 25/26 weeks gestation many of whom

have high levels of disability, some of which is significantly greater than is currently being experienced/observed.

- The impact of the DCSF Early Support which has successfully brought parents/carers and professionals together to identify children's barriers to learning at an earlier stage than previously.
- The Every Child Matters (ECM) agenda has defined for families and professionals an agreed framework to address the needs and development of children and young people.
- The Aiming High for Disabled Children (AHDC) agenda has identified key areas of need for both disabled children and young people (CYP) and their families and in particular the importance of effective multi-disciplinary working and the development of Short Break provision.
- The recognition of the importance of the "pupil's voice" and the voice of the parent/carer.
- The emphasis on increasing the capacity and suitability of provision to meet the needs of the pupils within the mainstream SEND so that effective inclusion can be a realistic goal for more disabled children.
- The rebuilding of special schools, some of which are being relocated on primary and primary/secondary sites and others created as separate specialist centres.
- The growing awareness and forward planning on the part of Local Authorities of their future responsibilities for disabled young people 19-25 following the demise of the Learning and Skills Council (LSC) in 2010.
- The current national work on curriculum innovation which is focussing on:-
  - o organising the curriculum through themes on inter-disciplinary lines rather than discrete subjects;
  - o using curriculum time more flexibly;
  - o providing alternative curriculum pathways;
  - o developing learning skills.
- The new Ofsted Framework (September 2009) which emphasises:-
  - o identifying cohorts of pupils with particular needs;
  - o focussing on their progress, achievements and attainment;
  - o focussing on social enterprise work and work related learning;
  - o curriculum flexibility;
  - o community cohesion;
  - o issues relating to safeguarding;
  - o issues relating to equality and diversity.

Until fairly recently contact between the two schools was very limited and a detailed, lengthy and intensive consultation process was urgently needed to address the key issues relating to the creation of one school.

The two schools have a federated Governing Body as of September 2009. The proposals are for one new school to be created by September 2010 under one Headteacher. The consultation process which will allow this to happen will be finalised by December 2009.



As a result of the consultation process:

- Joint senior and middle manager teams have been created;
- Key core data has been jointly analysed and agreed on;
- Joint training has taken place;
- Job shadowing is taking place across both schools at all levels including Headteacher level;
- Descriptors for the existing and projected pupil population have been agreed;
- A vision for the new school has been created;
- Both schools have recognised they share a strong commitment to, and tradition in, the expressive and performing arts; and
- Clarity has been gained in key areas such as phasing, curriculum structure and content, assessment and the role of medical, therapy and support staff.

Specialists worked with the schools for three days in September. Their findings were collated and analysed by Anne Hayward Associates. This included the evidence from the "Pupil Voice" exercise and the Parents' Meeting and parental questionnaire. The "Pupil Voice" exercise included meeting with three members of the Brent Youth Parliament.

The distillation of this and the views of parents and carers, informed the drafting of the initial accommodation schedule. This and the other key themes were shared with governors at their meeting on 30<sup>th</sup> September 2009.



## Statutory Notice

### Discontinuing Grove Park Special School

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that the London Borough of Brent (the Local Authority) intends to discontinue Grove Park Special School, Grove Park, London, NW9 0JY on 31 August 2010.

Every pupil registered at Grove Park Special School on 31 August 2009 who would have continued their education at Grove Park Special School but for this proposal is guaranteed a place at Hay Lane Special School, Grove Park, London, NW9 0JY.

To enable this to happen the Local Authority is simultaneously publishing a separate statutory notice proposing an increase in the number of pupils at the adjacent Hay Lane Special School and a broadening of the type of educational needs for which that school is organised from 1 September 2010.

If any of these proposals are rejected, the others will be abandoned.

Both Grove Park and Hay Lane are community special schools maintained by the Local Authority. Both are for boys and girls, aged mainly between 3 and 19 years. Grove Park Special School offers 90 places and Hay Lane Special School offers 120 places. All pupils of both schools have special educational needs (SEN).

The statutory notice for Hay Lane Special School states that from 1 September 2010 it will offer 210 places for both boys and girls mainly between the ages of 3 and 19 years. The statutory notice also states that the range of special educational needs for which Hay Lane Special School will be suitable will be broadened to include all those special educational needs currently found at Grove Park Special School. The site and buildings of this school which are adjacent to those of Hay Lane Special School will become part of the expanded Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School. The staff from both schools will combine to form the staff of the enlarged Hay Lane Special School. The detail of the staffing arrangements of Hay Lane Special School from 1 September 2010 is currently being developed by the federated governing body of Hay Lane and Grove Park Special Schools in consultation with the Local Authority.

Therefore from 1 September 2010 Hay Lane Special School will be a suitable placement for all pupils registered at Grove Park and Hay Lane Special Schools as at 31 August 2010. This is expected to be approximately 205 pupils. No pupils will be displaced by the proposed closure of Grove Park Special School.

The expanded Hay Lane Special School will continue to be maintained by the Local Authority which will remain the admitting authority for the school. Admission arrangements for the expanded school will be the same as for the current two schools namely that the school will admit all pupils whose statement of special educational needs names the school.

The number of pupils admitted at any time will, as now, be governed by the pupil's statement of special educational needs and the total numbers for which the school is designed. A fixed number or relevant year group is not proposed. The roll of years 7 upwards will be greater than

the earlier years because children aged 11 transfer to Grove Park and Hay Lane Special Schools from Manor Special School which is for primary aged children only. This arrangement will continue.

Once expanded Hay Lane Special School will make provision for the following types of special educational needs that would be recognised by the Local Authority as reserved for SEN pupils: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and/or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and/or significant medical needs.

Because Grove Park and Hay Lane Special Schools occupy adjacent sites and because Hay Lane Special School will continue to occupy the same site from September 2010 when these changes are planned to take effect, the distance and journey times for pupils will not change. Consequently travel arrangements to and from home will not be altered by this proposal.

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

The Local Authority further plans to rebuild the Hay Lane Special School on the current site of Hay Lane and Grove Park Special Schools. Once the new buildings are available (projected to be summer 2013) Hay Lane Special School will offer 235 places of which about 50 will be for pupils over 16 years of age. The additional places will allow the Local Authority to place children at the school that might otherwise have been placed out of borough. The increase reflects predicted demographic trends in numbers of pupils with Autistic Spectrum Disorder and other learning difficulties and disabilities over the next few years, for which Hay Lane Special School would be a suitable placement. Increasingly pupils with physical and sensory difficulties but without cognitive difficulties are being provided for in mainstream schools and the future roll of the school is likely to reflect that shift.

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 Local Authority has conducted the SEN improvement test that has identified benefits, such as, the expanded Hay Lane Special School's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility, suitability and condition problems with the existing school buildings will be overcome by the new buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.


This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Head of Asset Management Service, Children and Families, London Borough of Brent, 4th Floor, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW or by email request at

[Consultations.schoolorganisation@brent.gov.uk](mailto:Consultations.schoolorganisation@brent.gov.uk)

Any person may object to or make comments on this

proposal. All such comments or objections must be:

- made in writing;
- received by Friday 12 February 2010 (a date at least 6 weeks after the date of publication of this proposal); and
- sent to: Nitin Parshotam, Head of Asset Management Service, Children and Families, London Borough of Brent, 4th Floor, Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.

Signed:  Rik Boxer,  
Assistant Director Achievement & Inclusion

**Publication Date: 31 December 2009**

**Explanatory Notes**

Hay Lane and Grove Park Special Schools are currently federated with a single Governing Body. Increasingly they are planning jointly and sharing resources and expertise. These proposals, if agreed, bring all the children and staff together into one school which will give the school much greater flexibility to use all the resources and staff to the maximum benefit of all the children.

If these proposals are agreed then that federation will come to a natural end on 31 August 2010. A new Governing Body will be established on 1 September 2010 for Hay Lane Special School in its expanded form in accordance with relevant statutory regulations. It is intended that the enlarged school will be renamed at the date these proposals are implemented.

The Hay Lane and Grove Park Special Schools occupy adjacent sites and share some buildings, a heating system and other amenities. Both schools are facing major suitability and condition problems. That is why the Local Authority plans to rebuild the two schools. However, for the new buildings to meet the new standards for special educational buildings as set out in the Department for Children Schools and Families design guidance building bulletin 102 and to avoid wasteful duplication and unnecessary public expenditure the Local Authority plans to rebuild the two schools as one school. The vision for the rebuilt school that forms the basis for the architectural brief is available on request. The new buildings will reflect current thinking on the best way to educate children with severe and profound learning difficulties, autistic spectrum disorders physical, sensory and medical conditions. It is anticipated that the rebuilding work will commence in 2011 and be completed by September 2013.

There is an adjacent parcel of undeveloped land designated through a section 106 agreement for health facility provision. It is planned to acquire this land during the rebuilding phase of the development of the school but to release it or an equivalent parcel of land at the end of the project to enable the health facility to go ahead. Any opportunity for co-location of health and educational facilities during this time will be explored and acted on where appropriate agreements can be reached with NHS Brent or other relevant partners.

Once this consultation closes in February 2010, a report will be prepared for the Local Authority's Executive Committee who will consider this proposal in the light of those responses and decide within two months whether the proposals will be implemented or not.



## Statutory Notice

### Alterations to Hay Lane Special School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that the London Borough of Brent (the Local Authority) intends to make prescribed alterations to Hay Lane Special School, Grove Park, London, NW9 0JY from 1 September 2010.

The Local Authority proposes to:

- 1) Increase the number of pupils at Hay Lane Special School from its current 120 places to 235 places. The enlarged school will continue to provide for both boys and girls aged mainly between 3 and 19 years all of whom have special educational needs.

This expansion will take place in two stages. The first stage will be from 1 September 2010 when the school will be enlarged to 210 places. The second stage of the expansion to 235 places will take place on completion of construction works to rebuild the school. This is projected to be available from 1 September 2013.

- 2) Change the type of special educational needs for which Hay Lane Special School is organised. The current range of needs for which it makes provision will be retained. To this will be added the range of needs for which Grove Park Special School currently makes provision.

To enable this to happen the Local Authority is simultaneously publishing a separate statutory notice proposing the closure of the adjacent Grove Park Special School Grove Park, London, NW9 0JY on 31 August 2010. The site and buildings of Grove Park Special School will become part of the enlarged Hay Lane Special School. The combined site will become one single site of the Hay Lane Special School. The staff from the two schools will combine to form the staff of the enlarged Hay Lane Special School. The detail of the staffing arrangements of Hay Lane Special School from 1 September 2010 is currently being developed by the federated governing body of Hay Lane and Grove Park Special Schools in consultation with the Local Authority.

If any of these proposals is rejected, the others will be abandoned.

Both Hay Lane and Grove Park are community special schools maintained by the Local Authority. Both are for boys and girls, aged mainly between 3 and 19 years. Grove Park Special School offers 90 places and Hay Lane Special School offers 120 places. All pupils of both schools have special educational needs (SEN).

The enlarged Hay Lane Special School will continue to be maintained by the Local Authority and be for both boys and girls aged mainly between 3 and 19 years. The Local Authority will remain the admitting authority for the school. Admission arrangements for the enlarged school will be the same as for the current two schools namely that the school will admit all pupils whose statement of special educational needs names the school.

The expanded school will be suitable for all pupils who currently attend either Hay Lane or Grove Park Special Schools. Every pupil registered at either school on 31 August 2010 who but for these proposals would have continued their education at either Hay Lane or Grove Park Special School is guaranteed a place at the enlarged Hay Lane Special School. This is expected to be approximately 205 pupils. Consequently no pupils will be displaced by the proposed closure of Grove Park Special School

or alterations proposed for Hay Lane Special School because a suitable place will be available for all such pupils at Hay Lane Special School.

The number of pupils admitted at any time will, as now, be governed by the pupil's statement of special educational needs and the total numbers for which the school is designed. A fixed number or relevant year group is not proposed. The roll of years 7 upwards will be greater than the earlier years because children aged 11 transfer to Grove Park and Hay Lane Special Schools from Manor Special School which is for primary aged children only. This arrangement will continue.

Once expanded Hay Lane Special School will make provision for the following learning difficulties and disabilities: Severe Learning Difficulty, Profound and Multiple Learning Difficulty, Autistic Spectrum Disorder and Physical Disability with associated learning difficulties. In addition to their physical and/or learning difficulties pupils have any one or more of the following difficulties: speech, language and communication needs, sensory impairments (visual hearing and multi-sensory impairment), challenging behaviours and/or significant medical needs.

Because Grove Park and Hay Lane Special Schools occupy adjacent sites and because Hay Lane Special School will continue to occupy the same site from September 2010 when these changes are planned to take effect, the distance and journey times for pupils will not change. Consequently travel arrangements to and from home will not be altered by these proposals.

All applicable statutory requirements to consult in relation to these proposals have been complied with.

Brent Council further plans to rebuild the Hay Lane Special School on the current sites of Hay Lane and Grove Park Special Schools. Once the new buildings are available (projected to be summer 2013) Hay Lane Special School will offer 235 places of which about 50 will be for pupils over 16 years of age. The additional places will allow the Local Authority to place children at the school that might otherwise have been placed out of borough. The increase reflects predicted demographic trends in numbers of pupils with Autistic Spectrum Disorder and other learning difficulties and disabilities over the next few years, for which Hay Lane Special School would be a suitable placement. Increasingly pupils with physical and sensory difficulties but without cognitive difficulties are being provided for, in mainstream schools and the future roll of the school is likely to reflect that shift.

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 Local Authority has conducted the SEN improvement test that has identified benefits, such as, the expanded Hay Lane Special School's SEN policy will fully meet the requirements of the SEN Code of Practice; the accessibility, suitability and condition problems with the existing school buildings will be overcome by the new buildings which will be fully accessible; there will be improved access to suitable accommodation; and improved access to specialist staff.


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Signed:  Rik Boxer,  
Assistant Director Achievement & Inclusion

**Publication Date: 31 December 2009**

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If these proposals are agreed then that federation will come to a natural end on 31 August 2010. A new Governing Body will be established on 1 September 2010 for Hay Lane Special School in its expanded form in accordance with relevant statutory regulations. It is intended that the enlarged school will be renamed at the date these proposals are implemented.

The Hay Lane and Grove Park Special Schools occupy adjacent sites and share some buildings, a heating system and other amenities. Both schools are facing major suitability and condition problems. That is why the Local Authority plans to rebuild the two schools. However, for the new buildings to meet the new standards for special educational buildings as set out in the Department for Children Schools and Families design guidance building bulletin 102 and to avoid wasteful duplication and unnecessary public expenditure the Local Authority plans to rebuild the two schools as one school. The vision for the rebuilt school that forms the basis for the architectural brief is available on request. The new buildings will reflect current thinking on the best way to educate children with severe and profound learning difficulties, autistic spectrum disorders physical, sensory and medical conditions. It is anticipated that the rebuilding work will commence in 2011 and be completed by September 2013.

There is an adjacent parcel of undeveloped land designated through a section 106 agreement for health facility provision. It is planned to acquire this land during the rebuilding phase of the development of the school but to release it or an equivalent parcel of land at the end of the project to enable the health facility to go ahead. Any opportunity for co-location of health and educational facilities during this time will be explored and acted on where appropriate agreements can be reached with NHS Brent or other relevant partners.

Once this consultation closes in February 2010, a report will be prepared for the Local Authority's Executive Committee who will consider this proposal in the light of those responses and decide within two months whether the proposals will be implemented or not.

## APPENDIX B

department for  
**children, schools and families**

# 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](mailto:school.organisation@dcsf.gsi.gov.uk)

Website: [www.dcsf.gov.uk/schoolorg](http://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**

4.34 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](http://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:

- a. 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;

- b. The transport implications as mentioned in paragraphs 4.39 to 4.40; and
- c. 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](http://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:

- a. the LA is consistently funding numbers of empty places;
- b. 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;
- c. 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
- d. 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:

- a. quality - all provision for all learners should be high quality, whatever their chosen pathway;
- b. 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;
- c. 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;
- d. 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;
- e. 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**

4.55 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.

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

### **The Special Educational Needs Improvement Test**

4.57 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**

4.58 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.

4.59 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special

school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement must be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

4.60 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](mailto: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@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.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.

**Can proposals be withdrawn?**

4.69 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@dcsh.gov.uk](mailto:school.organisation@dcsh.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.

## **Supplementary guidance on closing a maintained special school**

When closing a maintained special school, local authorities should follow the guidance entitled *Closing a Maintained Mainstream School – a guide for local authorities and governing bodies*, taking account of several additional requirements which are set out in this supplementary guidance.

### When reading the Introduction

At paragraph 5 – on planning requirements – add

“In exercising their function under this duty LAs should have regard to the need for securing special educational provision.”

### When reading about who should be sent copies of the proposals?

At paragraph 2.9 add

“In addition, where the relevant school is a special school

the relevant Primary Care Trust, NHS Trust or NHS foundation trust and any local education authorities which place children at the school;

the registered parents of every registered pupil at the school, and;

each local education authority who maintain a statement of special educational needs under part 4 of EA 1996 in respect of a registered pupil at the school.”

### When reading about the Decision

At paragraph 4.67 add :

“In addition, where the school is a special school the relevant Primary Care Trust, NHS foundation Trust responsible for hospital or other provision in the area.”

[see regulation 25, sub-para(g)]

## **EXPANDING A MAINTAINED MAINSTREAM SCHOOL OR ADDING A SIXTH FORM – EXCERPT FROM A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES**

### **Statutory Guidance – Factors to be Considered by Decision Makers**

4.15 Regulation 8 of The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that both the LA and schools adjudicator **are required** to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.72 below contain the statutory guidance.

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

### **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

#### **A System Shaped by Parents**

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

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

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

new providers have the opportunity to share their energy and talents by establishing new schools – whether as voluntary schools, Trust schools or Academies – and forming 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 where it will boost standards and opportunities for young people,

whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for a school expansion 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 4.67-4.71).

### **Diversity**

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

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

### **Every Child Matters**

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

## **SCHOOL CHARACTERISTICS**

### **Boarding Provision**

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

4.26 In making a decision on proposals for expansion of boarding places the Decision Maker should consider:-

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

### **Equal Opportunity Issues**

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

### **NEED FOR PLACES**

#### **Creating Additional Places**

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

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

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

### **Expansion of Successful and Popular Schools**

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents should be taken into account in planning and managing school estates. Places should be allocated where parents want them, and as such, it should be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators should all be taken into account:

- a. the school's performance;
  - i) in terms of absolute results in key stage assessments and public examinations;
  - ii) by comparison with other schools in similar circumstances (both in the same LA and other LAs);
  - iii) in terms of value added;
  - iv) in terms of improvement over time in key stage results and public examinations.
- b. the numbers of applications for places;
  - i) the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools should be approved. In line with the Government's long standing policy that there should be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools should not in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker should ask the LA how they plan to tackle any consequences for other schools. The Decision Maker

should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

### **Travel and Accessibility for All**

4.35 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.

4.36 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](http://www.teachernet.gov.uk/publications) . Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **16-19 Provision**

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

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

- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

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

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

#### **Addition of post-16 provision by “high performing” schools**

4.40 The Government remains committed to the principle that high performing 11-16 schools should be allowed to add post-16 provision where there is parental and student demand, in order to extend quality and choice. But the context in which this principle will operate is changing. From 2010, responsibility for 16-19 planning and funding will transfer from the LSC to local authorities. Local authorities will be responsible for maintaining an effective and coherent system of 14-19 organisation which delivers the new entitlement – to a new curriculum and new qualifications, including all 17 Diploma lines from 2013 and an Apprenticeship place for those who meet the entry criteria - to all young people in their area. Collaboration will be a key feature of 14-19 provision.

4.41 So, while there is still a strong presumption of approval for proposals from high performing schools, that decision should now be informed by additional factors: the need for local collaboration; the viability of existing post-16 providers in the local area; and the improvement of standards at the school that is proposing to add post-16 provision. Only in exceptional circumstances\* would these factors lead Decision Makers not to approve a proposal. If the Decision Maker were minded not to approve a proposal, he should first consider whether modification of the proposal would enable the proposer to comply with these conditions (see paragraph 4.47).

*\* Exceptional circumstances in which the Decision Maker might reject the proposal to add a sixth form to a presumption school would include if there is specific evidence that a new sixth form was of a scale that it would directly affect the viability of another neighbouring, high quality institution that itself was not large in comparison to other institutions of that type. Exceptional circumstances might also include a situation where there are a number of presumption schools in the same area at the same time and/or where there is clear evidence that the scale of the aggregate number of additional 16-18 places far exceeds local need and affordability and is therefore clearly poor value for money.*



4.42 There should be a strong presumption in favour of the approval of proposals for a new post-16 provision where:

- a. the school is a high performing specialist school that has opted for an applied learning specialism; or
- b. the school, whether specialist or not, meets the DCSF criteria for 'high performing' and does not require capital support.

4.43 The school should ensure that, in forwarding its proposals to the Decision Maker, it provides evidence that it meets one of the criteria at paragraph 4.42 above.

4.44 Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for an applied learning specialism, capital funding will be available from the 16-19 Capital Fund.

4.45 This presumption will apply to proposals submitted to the Decision Maker within:

- a. two years from the date a school commences operation with applied learning specialist school status; or
- b. two years from the date a school is informed of its Ofsted Section 5 inspection results which would satisfy DCSF criteria for 'high performing' status as set out at <http://www.standards.dcsf.gov.uk/specialistschools/guidance2007/?version=1>

[NOTE: 'submitted to the Decision Maker' above refers to when proposals and representations are with the Decision Maker, following the end of the representation period]

4.46 The increase in the period in which a school is eligible to expand its post-16 provision recognises the time required to embed the new presumption places within a local 14-19 delivery plan and for effective collaboration to take place.

4.47 New post-16 provision in schools should, as appropriate, operate in partnership with other local providers to ensure that young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add post-16 provision, Decision Makers should look for:

- a. evidence of local collaboration in drawing up the presumption proposal; and
- b. a statement of how the new places will fit within the 14-19 organisation in an area; and

c. evidence that the exercise of the presumption is intended to lead to higher standards and better progression routes at the 'presumption' school.

4.48 If a school has acted in a collaborative way and has actively attempted to engage other partners in the local area, but it is clear that other institutions have declined to participate, that fact should not be a reason for declining to approve a proposal. The onus is on other providers to work with a school which qualifies for the presumption of approval for new post-16 provision.

4.49 The Decision Maker should only turn down proposals to add post-16 provision from schools eligible for the sixth form presumption if there is compelling and objective evidence that the expansion would undermine the viability of an existing high quality post-16 provider or providers. The fact that an existing school or college with large numbers of post-16 students might recruit a smaller number of students aged 16-19 is not, of itself, sufficient to meet this condition, where the "presumption" school can show that there is reasonable demand from students to attend the school after age 16.

4.50 The existence of surplus capacity in neighbouring schools or colleges that are not high performing should not be a reason to reject a post-16 presumption proposal. It is the responsibility of the local authority to consider decommissioning poor quality provision as well as commissioning high quality provision. The local authority should therefore plan to tackle any consequences of expansion proposals for other schools.

4.51 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the mandatory Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

### **Conflicting Sixth Form Reorganisation Proposals**

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

### **16-19 Provision 'Competitions'**

4.53 Non-statutory competitions for new 16-19 provision were introduced from January 2006. They are administered by the regional arm of the LSC, in line with the LSC's current role as commissioner of 16-19 provision. The

Government intends to transfer the responsibility for 16-19 competitions to local authorities from 2010 and create a statutory duty to run them.

4.54 The current arrangements for the establishment of new institutions by competition involves a two-stage approval process:

- a. the competition selection process;
- b. approval of the outcome by existing processes (e.g. Decision Maker approval of school/LA proposals and Secretary of State approval of college/LSC proposals, as required by law).

4.55 Competitors will be eligible to apply to the 16-19 Capital Fund. Where a competition is 'won' by a school, they must then publish statutory proposals and these must be considered by the Decision Maker on their merits.

4.56 Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker must take account of the competition when considering the proposals.

## **FUNDING AND LAND**

### **Capital**

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

4.58 There can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

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

### **Capital Receipts**

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

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

b. Foundation and Voluntary Schools:

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

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

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&> .

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

## **New Site or Playing Fields**

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

## **Land Tenure Arrangements**

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

## **School Playing Fields**

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

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

Where the Secretary of State has given 'in principle' agreement as at paragraph 4.64(b) above, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

1. **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**
2. **Initial Considerations**

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

- i. take account of parental preferences for particular styles of provision or education settings; offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of LA day and residential special provision;
- ii. are consistent with the LA's Children and Young People's Plan;
- iii. 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;
- iv. 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;
- v. 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;
- vi. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- vii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

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

### **The Special Educational Needs Improvement Test**

4.67 When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in paragraphs 4.68 to 4.71 below have been taken into account. Proposals

which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

### Key Factors

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

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
  - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - c) improved access to suitable accommodation; and
  - d) improved supply of suitable places.
- LAs should also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

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

4.70 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.

3. 4.71 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**

4.72 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**

4.73 In considering proposals for the expansion of a school, the Decision Maker can decide to:

reject the proposals;

approve the proposals;

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

approve the proposals subject to them meeting a specific condition (see paragraph 4.74 below).

### **Conditional Approval**

4.74 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved,



and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- l. where the proposals depend upon any of the events specified in paragraphs (a) to (k) occurring by a specified date for any other school or proposed school, the occurrence of such and event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of

Schools) (England) Regulations 2007(1) the occurrence of such an event.

4.75 The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (SOU Unit, Mowden Hall, Darlington DL3 9BG or by e-mail to [school.organisation@dcsf.gsi.gov.uk](mailto: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.

## Decisions

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

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

the LA or governing body who published the proposals;

the trustees of the school (if any);

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

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

the local CofE diocese;

the bishop of the RC diocese;

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

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

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

**Can proposals be withdrawn?**

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