



**Cabinet**  
14 March 2016

**Report from the Strategic  
Director of Children and Young People**

For decision

Wards Affected: ALL

**Determination of the proposal to permanently expand The  
Village Special School**

**1.0 Summary**

- 1.1. This report informs the Cabinet of the outcome of the statutory proposals to increase the number of places at The Village School from April 2016 and recommends that they be approved.
- 1.2. The Representation period on the proposals ended on 18 February 2016.

**2.0 Recommendations**

The Cabinet is recommended to:

- 2.1. Approve the expansion of The Village School by adding 35 new places for students aged 4 to 19 from April 2016.
- 2.2. Authorise the Strategic Director for Resources to approve the lease of Kingsbury School premises on satisfactory terms being agreed.

**3.0 Detail**

**3.1 Background**

- 3.1.1 The Village School, Grove Park, Kingsbury, London, NW9 0JY, is a maintained community special school located in the northern region of the London Borough of Brent. It is designated to provide school places for pupils between the ages of 4 to 19 with Severe Learning Difficulties (SLD) / and Profound and Multiple Learning Difficulties (PMLD).

- 3.1.2 The school currently has a planned admissions number (PAN) of 235 permanent places and the proposal is to increase the (PAN) to 270 permanent places by April 2016.
- 3.1.3 As at 19 February 2016 there are 269 children on roll at The Village School. The school has admitted pupils above its existing planned admissions number (PAN). Under the most recent school organisation guidance (January 2014) Governing Body's are able to increase their numbers as long as the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.
- 3.1.4 The school has the capacity to provide much needed additional school places at the current school site, and by utilising accommodation provided by Kingsbury High School. The Village School was rebuilt to a very high standard in 2014 and no further building works on the existing school site are required in order to provide the 35 additional places.
- 3.1.5 The Council's Special Educational Needs and Disability (SEND) services have been facing pressures arising from increased demand for specialist education placements. This increase in demand is in line with the increase in the Brent population, which will continue to grow rapidly until at least 2025. The school population in Brent has increased by 5,575 between May 2008 and May 2015, and correspondingly there is also an increase in demand for special school places. In previous years the council has had to place pupils in expensive out borough independent provision as special schools within Brent were full.
- 3.1.6 Advances in medical technology and higher survival rates of children with complex needs have impacted on special school place demand as have increases in medical diagnoses for conditions such as autism. The council has a statutory duty to provide sufficient school places for children within its area which extends to pupils with SEND who need special school places and access to special units in mainstream schools (Additionally Resourced Provision).
- 3.1.7 The Village is special school with a Good Ofsted rating. The school provides places for children with a wide range of learning difficulties, and has considerable expertise in a range of teaching methods to meet the needs of pupils with severe learning difficulties and profound physical disabilities.
- 3.1.8 Attending a Brent special school reduces the time pupils have to spend on daily transport to out-borough provision and enables them to mix with other children closer to their home addresses maximising the chances of developing local friendships.
- 3.1.9 Educating children within the borough means less is spent on transportation costs to out borough education.
- 3.1.10 The Village Special School is popular with parents and pupils, and its expansion helps meet parental demand.
- 3.1.11 This proposal supports the aims of Brent's overarching plan for Children and Young People (Borough Plan 2015 – 2019). It is aimed at ensuring that children and young

people are healthy and safe and ensuring sufficient high quality local school places to meet continuing increasing demand for SEND places for local children. The proposal also supports the LA's strategy for increasing the provision for students with disabilities and SEN and the proportion of school buildings accessible to students with disabilities.

- 3.1.12 Brent Council has been consulting with staff, parents and the community on the proposal to increase the pupil numbers.

## 3.2 **Statutory Process**

### Stage One Consultation

#### 3.2.1 The Village School

The Local Authority, with the support of the Governing Body of The Village School consulted with key interested parties on the expansion proposals. The consultation document is attached as Appendix 1. Over 700 copies of the consultation document were distributed via email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties.

- 3.2.2 Consultation meetings with staff, parents and the community were held at the school on 8 December 2015 (10am and 6pm). Notes of the meetings can be found in Appendix 2.

- 3.2.3 The informal consultative stage of the proposal to expand was completed on 24 December 2015.

- 3.2.4 The Village School proposal received 31 responses to the informal consultation (27 completed the grid below, some with comments, whilst 4 gave a written comment only – see Appendix 3 for full details).

<b>Expansion would mean we could:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Don't know</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Improve educational facilities for SEN pupils:	13	11	1	1	0
Help meet the growing demand for school places:	14	10	1	0	0
Offer more places to children within the area	15	9	1	0	0
I support the proposal:	13	10	1	0	1
<b>Total</b>	<b>55</b>	<b>40</b>	<b>4</b>	<b>1</b>	<b>1</b>

3.2.5 A breakdown of who responded is in the table below:

Parent / Carer	20
Members of Staff	0
Local Resident	7
Governor at the School	0
Others and unspecified	4
<b>Total</b>	<b>31</b>

3.2.6 Following the end of informal consultation, the council therefore agreed to publish the statutory notice and full proposal.

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

#### Publication of Statutory Notice

3.2.8 Following the informal consultation stages outlined above, the Local Authority with the support of the governing body of The Village School, published the Statutory Notice detailing the proposals, in the Brent and Kilburn Times local newspaper on 21 January 2016.

3.2.9 A copy of the full statutory notice is attached as Appendix 4.

#### Representation

- 3.2.10 The statutory notice was followed by a four week statutory period (Representation stage), during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal and ensures that they will be taken into account by the Cabinet when the proposal is determined.

**Responses received during the Representation Stage:**

- 3.2.11 No representations were received during the four week statutory period [21 January 2016 to 18 February 2016].

**4.0 Financial Implications**

- 4.1 The Village School currently uses accommodation provided at the nearby Kingsbury High School. The additional 35 pupils are already at the school, and the proposal is to make this arrangement permanent, involving no building work.
- 4.2 The provision of the increased special school places within the borough is supported as this avoids the potential costs of sending these pupils to independent special schools outside of the borough, which could cost up to £100k per pupil. The provision of more specialist places locally also reduces the potential costs of transporting pupils to out-borough provisions, and assists with containing expenditure on SEN Transport. These are a reflection of Brent's updated School Place Strategy which was approved by the Cabinet in November 2015.
- 4.3 Special schools are funded from the Dedicated Schools Grant (DSG), whilst SEN Transport costs are funded through the council's general fund. Formalising the continued provision of additional places at the Village School therefore represents a long-term reduction in costs for both the DSG and the general fund. The increased funding for the Village school would be contained within the DSG, with funding moving from the independent top-up funding budget to the school's budget based on per pupil funding as below.
- 4.4 The funding for special schools is split between base funding of £10k for each planned place, and 'top-up' funding for each pupil on roll. The top-up funding is split into bands and is determined by the needs of each individual pupil on roll, using Brent's SEND funding matrix. There are currently six top-up funding bands which range from £3,946 to £27,220. The Village School caters for pupils with the most complex needs and are therefore funded on the higher bands – between £23,740 and £37,220 each (including base funding).
- 4.5 As a maintained school, approval from the council for a formal rental lease of this accommodation will need to be obtained. The accommodation is 448 sqm and the proposed lease is for 3 years at a rental of £25,000 pa with a capital premium of £250,000. These costs will be borne by the school and includes the cost of all maintenance and repair, caretaker, heating, lighting, etc. Business rates are not payable because exceptions apply to special schools. The council's Property Services have reviewed the rental lease agreement and consider that the proposed all-inclusive agreement is reasonable given the costs, and that risks of maintenance and repair along with dilapidations will not be incurred by the school.

## **5.0 Legal implications**

- 5.1 The procedure for the change of character, alteration and enlargement of The Village School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority is entitled to make prescribed alterations to The Village Special School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 2 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Schedule 3, paragraph 3 of The School Organisation Regulations 2013.
- 5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them. The Authority has a statutory duty to make suitable and appropriate educational provision for children and young people who have special educational needs in its area in accordance with the relevant provisions of the Education Act 1996 (as amended by the Education Act 2011), The Special Educational Needs and Disability Act 2001, the Apprenticeship Skills Children and Learning Act 2009 and the Special Educational Needs Code of Practice 2015.
- 5.4 The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 5.5 The public sector equality duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision.
- 5.6 An Equality Impact Assessment has been carried out and is attached at Appendix 5 to this report.

5.7 The Cabinet would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for the proposers and decision makers January 2014 – <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

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

5.9 The accommodation taken up by the Village School at Kingsbury School is on proposed heads of terms such that the School take a lease for three years at a rental amounting to an effective rent of about £108k per annum (i.e. annual rent £25,000 pa and capital premium £250,000 spread over 3 years. The Village School have confirmed that this sum is an all inclusive sum with Kingsbury School effectively providing a fully serviced building the only additional cost will be the cleaning.

#### 5.10 Decision Making:

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

- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided.

**All necessary information has been provided.**

- Does the published notice comply with statutory requirements?

**The statutory notice is complete and in line with the statutory requirements. The four week statutory representation period closed on 18 February 2016.**

- Has the statutory consultation been carried out prior to the publication of the notice?

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

- Are the proposals “related” to other published proposals?
- **No, the proposals are not related to other proposals.**

#### 5.12 Types of Decision

- 5.13 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.
- 5.14 In considering prescribed alteration proposals, 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.
- 5.15 The following bodies may appeal against an LA decision:
- The local Church of England diocese;
  - The Bishop of the local Roman Catholic diocese;
  - The governing body of the Community School that is proposed for expansion.
- 5.16 Any appeals must be submitted to the LA within four weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within one week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.

## **6.0 Diversity Implications**

- 6.1 The school proposed for expansion has an ethnically diverse pupil population and works to improve the life chances of pupils with disabilities. The Village School would enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.2 The expansion will improve choice and diversity of provision. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3 The Equality Impact Assessment for the school has been completed - Appendix 5.

## **7.0 Staffing Issues**

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the school's budget funded from the Dedicated Schools Grant.



## **Background Papers**

- i) School Organisation Maintained Schools – Guidance for proposers and decision makers – January 2014

## **Appendices**

- Appendix 1 The Village School – consultation document
- Appendix 2 Meeting notes
- Appendix 3 Responses to the informal consultation
- Appendix 4 The Village School – statutory notice
- Appendix 5 Equality Impact Assessment for The Village School

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