



Executive
19 August 2013

**Report from the Acting Director of
Children and Families and Strategic
Director of Regeneration and Growth**

For Decision

Wards Affected: ALL

**Determination of the proposals for the future Special
Educational Needs developments from September 2013.**

1.0 Summary

1.1 This report informs the Executive of the outcome of the statutory proposals to alter the character of the following schools from September 2013 and recommends that they be approved:

- Close the Additionally Resourced Provision at Kensal Rise Primary School
- Increase places at the Additionally Resourced Provision at Oakington Manor Primary School
- Increase places at Woodfield Special School

1.2 The Representation period on the proposals ended on 20 June, 8 August and 27 June 2013 respectively.

2.0 Recommendations

The Executive is recommended to:

2.1 Approve the permanent closure of the Additionally Resourced Provision (ARP) at Kensal Rise Primary School with effect from September 2013.

2.2 Approve the change to the character of Oakington Manor Primary School by increasing the number of Additionally Resourced Places (ARP) from 25 to 35 places and to change the designation from SLCN to SLCN and ASD from September 2013.

2.3 Approve the expansion of Woodfield Special School by adding 40 new places for students aged 14 to 19 and change the designation of the school to provide for the needs of students with moderate learning difficulties (MLD), severe learning difficulties (SLD) and autistic spectrum disorders (ASD) from September 2014.

2.4 Note that Brent Council is addressing the increased demand for special school places through a number of initiatives guided by careful analysis of SEN incidence data and the development of projections that take account of the overall projected increase in the Borough's population.

3.0 Detail

3.1 Background

- 3.1.1 Brent Council has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. This extends to pupils with SEN who need special school places and access to special units in mainstream schools (Additionally Resourced Provision).
- 3.1.2 These proposals are part of a review of the range of existing provision for meeting pupils' SEN across Brent schools in line with current and projected demand. The aim of this review is to ensure that children achieve the best outcomes possible in good value, cost effective school provision into the future.
- 3.1.3 Speech Language and Communication Needs (SLCN)
Brent Council's strategy for Special Educational Needs and Disabilities (SEND) is to support mainstream schools to include pupils with identified SEN within their provision. This includes some pupils with statements for Speech, Language and Communication Needs (SLCN) many of whom are currently successfully included in mainstream schools with additional support provided through the statement and/or by the school.
- 3.1.4 Some pupils need more intensive support in their mainstream school and a further part of the strategy has been to support the development of Additionally Resourced Provision (ARP) for low incidence needs including SLCN. ARPs usually consist of a base where pupils can receive small group intensive support for part of their school week to help them overcome their barriers to learning.
- 3.1.5 Currently there are a total of 45 ARP places for primary aged pupils with SLCN in Brent, 25 places at Oakington Manor Primary School and 20 places at Kensal Rise Primary School. Presently, it is expected that there will be no more than 25 pupils with SLCN needs in ARP provision by September 2013. The LA will therefore be funding too many places and not using resources efficiently.
- 3.1.6 According to pupil place projections for special educational needs, the requirement for SLCN ARP places will not rise above 25 before 2020. At present there are no plans to place any more pupils with statements for SLCN in either of the ARPs.
- 3.1.7 Over the last 5 years there has been a decline in demand for ARP places for pupils with SLCN. This has partly been due to improvements in technology and the knowledge and awareness of mainstream school staff enabling more children with SLCN to have their needs met in normal mainstream school classes. This has in turn allowed an increase in parents wanting their children to attend their local school with their peers.
- 3.2 Kensal Rise Primary School
Kensal Rise Primary School, Harvist Road, Kilburn, NW6 6HJ is a Community school located in the southern part of the borough. It provides 630 school places for primary aged children between the ages of 4 to 11. It also provides a nursery with 90 full time and part time places.
- 3.2.1 In addition Kensal Rise primary school has a 20 place ARP for children with SLCN. The ARP has never had more than 15 pupils placed there and currently it has 9 pupils. 4 of these pupils are currently in Year 6 and they will leave the school in July 2013. This will leave five pupils in a 20 place provision which is not cost effective. It is estimated that there is a surplus of ARP places for SLCN to meet projected demand within Brent up to 2020.
- 3.2.2 Brent Council in agreement with the Governing Body of Kensal Rise Primary School is proposing to alter the school by closing the 20 place Additionally Resourced Provision with effect from September 2013.
- 3.2.3 This will reduce the provision for pupils with SLCN in line with reducing demand in this area, as described above.
- 3.2.4 Autism Spectrum Disorder (ASD)
There are no ARP places for primary aged children with high functioning ASD who are capable of accessing mainstream classes in Brent at present.
- 3.2.5 However over the last 5 years the number of statemented pupils aged 4-11 identified with ASD across the whole spectrum of needs, including those who are higher functioning and capable of accessing mainstream classes, has increased by 20%. Numbers in the Y1 to Y4 age group particularly indicate a continuing increase in need for future years.

- 3.2.6 This has resulted in an increase in demand for autism places for primary aged pupils with ASD in recent years, which is in contrast to the lower and more stable demand for SLCN places described above. The following table illustrates this increase:

Demand for ASD special school places (4-11)

	2008	2009	2010	2011	2012
Maintained day	78	81	81	85	85
Independent/non-maintained	18	20	21	26	36

Source: Tribal SEN

- 3.2.7 To ensure that parents and carers have a balanced choice of provision to match the varying severity of needs of children with ASD, Brent needs to develop ARP provision for primary aged pupils who have high functioning ASD to meet this increasing demand.

3.4 Oakington Manor Primary School

Oakington Manor Primary School, Oakington Manor Drive, Wembley, HA9 6NF is a Foundation primary school located in the central part of the borough close to Wembley Stadium. It provides 630 school places for primary aged children between the ages of 4 to 11. It also has a nursery with 72 part-time places.

- 3.4.1 In addition the school provides a 25 place ARP for children with SLCN. Brent Council in agreement with the Governing Body of Oakington Manor Primary School is proposing to increase the number of ARP places at Oakington Manor Primary School from 25 to 35 and to change the designation from SLCN to SLCN and ASD with effect from September 2013.

- 3.4.2 The proposed changes will ensure that the ARP provision for SLCN is maintained at the forecast level of 25 and will increase the ARP provision for primary aged children with high functioning ASD capable of accessing mainstream classes by 10. It will also enable the flexibility in the use of these places between the two identified needs.

- 3.4.3 Oakington Manor was found to be an outstanding school at the time of its last Inspection in July 2010. The existing ARP in the school has been very successful in supporting children with SLCN. Many of the children attending the ARP are also on the autistic spectrum, and staff have well developed skills to support this category of need.

- 3.4.4 The teacher from Kensal Rise has been appointed to a new post within Oakington Manor, which will support continuity for the five children who are transferring from Kensal Rise.

- 3.4.5 The families of the children attending Kensal Rise were given the option of taking up a place at Oakington Manor or staying at Kensal Rise with an increase in statementing support. All five families chose to take up the option to transfer to Oakington Manor.

3.5 Woodfield Special School

Woodfield School, Glenwood Avenue, London, NW9 7LY, is a maintained special school located in the north of the borough. It is designated to provide school places for secondary aged students between the ages of 11 to 19 with moderate learning difficulties (MLD).

- 3.5.1 The school has provision for 108 places (aged 11 -16) and also has a Sixth Form currently with 28 places (aged 16 – 19) making 136 places in total. The proposed capacity will be 176. The school received an Outstanding OFSTED report in November 2010 and is a designated teaching school.

- 3.5.2 Woodfield Special School currently has a designation for MLD. Brent Council in agreement with the Governing Body of Woodfield Special School is proposing to expand the school by adding 40 new places for students aged 14 to 19 and change the designation of the school to provide for the needs of students with moderate learning difficulties (MLD), severe learning difficulties (SLD) and autistic spectrum disorders (ASD) from September 2014.

- 3.5.3 The change to the broader designation will allow the current students to continue with their education at Woodfield Special School whilst enabling students with more severe learning difficulties to be admitted.

- 3.5.4 This proposed development compliments the new 20 place Additionally Resourced Provision (ARP) at Alperton Community School. This enables Year 10 students with MLD at Woodfield the opportunity to access mainstream provision which frees up places at Woodfield for those students with more severe learning difficulties.
- 3.5.5 A new building providing specialist classroom accommodation for 40 students with statements of SEN for SLD and ASD will need to be added to the existing school. It is envisaged that the extension to the accommodation can be achieved with minimal disruption to their education.
- 3.5.6 A Business Case for the proposed expansion of Woodfield School has been developed and submitted to a series of officer based project groups. This Business Case identified the potential financial benefits that could be achieved as a result of implementing this project. Benefits are based on 40 additional pupils who would have to have been placed in special school places commissioned from the independent sector avoiding the need for continuing growth in budget or overspend. As such the benefits will accrue as cost avoidance in future years and not savings against current pupils placed in out Borough independent schools.

The table below summarises these benefits where:

- Column 1 identifies the source of the costs,
- Column 2 identifies the type of SEN that the pupils will have,
- Column 3 gives the date from which the cost avoidance will be effective,
- Columns 4 -7 identify the value in £'000 of the difference in the cost for in Borough maintained provision in the expanded Woodfield special school and the current average costs for the same provision in out Borough independent schools.

Cumulative financial benefits

Savings/costs item	Type of SEN place	Date saving commences	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000
Woodfield cost of placements	ASD/SLD 15	01/09/2014	131	225	225	225
Woodfield cost of placements	ASD/SLD 15	01/09/2015		131	225	225
Woodfield cost of placements	ASD/SLD 10	01/09/2016			88	150
Avoidance of increase in transport costs			26	71	101	131
Less additional capital charges to DSG on borrowing requirement of £1300k (4.5% annuity over 25 years)				(88)	(88)	(88)
Additional cost avoided			157	339	551	643

3.6 Statutory Process

Stage One Consultation

3.6.1 Kensal Rise Primary School

The Local Authority with the support of the Governing Body of Kensal Rise Primary School consulted with key interested parties on the alteration proposals. The consultation document is attached as Appendix 1. Over 1200 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. In addition, a private company was commissioned to hand deliver approximately 400 copies to homes in the areas surrounding the school.

- 3.6.2 Consultation meetings with staff, parents and the community were held at the school on 27 March 2013, details of which can be found in Appendix 2 as attachments.
- 3.6.3 The statutory consultative stage of the proposal to close the ARP was completed on 22 April 2013.
- 3.6.4 The Kensal Rise proposal received 23 responses to the consultation. 2 (9%) consultees support the proposal, 20 (87%) consultees expressed concerns and were against the proposal, whilst 1(4%) remained undecided.
- 3.6.5 The relatively high number of adverse responses to the Kensal Rise consultation were against the proposal because they felt it would reduce the quality of the provision in the school overall. All of these responses were from staff at the school and parents of children at the school. Some of the responses raised concerns about the displacement of staff that the proposal may involve.
- The results of the consultation were reported to the Kensal Rise Governing Body on 20th May 2013. At that meeting it was reported that all staff who were vulnerable as a consequence of the proposal had secured new positions and were no longer vulnerable to redundancy. The concerns about the proposal to close the ARP affecting the quality of the provision are not substantiated by the low numbers of pupils that have attended the ARP in recent years. All 5 pupils scheduled to continue in year 6 in September 2013 at the ARP were given the option of staying at Kensal Rise with additional support or transferring to the ARP at Oakington Manor. All 5 have accepted places at the continuing ARP at Oakington Manor and will transfer in September 2013.
- 3.6.6 The decision to proceed with the proposal was therefore taken and reported to Governors on the basis that the ARP represents poor value for money and the proposed closure will not adversely affect pupils or staff, because of the arrangements that had been made to support them in securing alternative placements and posts. The Kensal Rise Governing Body acknowledged this decision and noted the reasons.
- 3.6.7 Following the end of consultation, the Council therefore agreed to publish the statutory notice (Appendix 3) and full proposal (Appendix 2).
- 3.6.8 Oakington Manor Primary School
The Local Authority with the support of the Governing Body of Oakington Manor Primary School consulted with key interested parties on the alteration proposals. The consultation document is attached as Appendix 4. Over 1200 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. In addition, a private company hand delivered approximately 400 copies to homes in the areas surrounding the school.
- 3.6.9 A consultation meeting with staff, parents and the community was held at the school on 24 April 2013, details of which can be found in Appendix 5 as attachments.
- 3.6.10 The statutory consultative stage of the proposal to expand the ARP thereby increasing the provision from 25 places to 35 places was completed on 3 June 2013.
- 3.6.11 The proposal received 3 responses to the consultation. 2 (67%) consultees support the proposal, 0 (0%) were against the proposal, whilst 1 (33%) had no comment or objections.
- 3.6.12 Following the end of consultation, the Council agreed to publish the statutory notice (Appendix 6 and full proposal (Appendix 5).
- 3.6.13 Woodfield Special School

The Local Authority with the support of the Governing Body of Woodfield Special School consulted with key interested parties on the alteration proposals. The consultation document is attached as Appendix 7. Over 800 copies of the consultation document were distributed through hand delivery, email and/or internal/external post. The school distributed the consultation documents by hand to parents, pupils, staff and other interested parties. In addition, a private company hand delivered approximately 400 copies to homes in the areas surrounding the school.

- 3.6.14 Consultation meetings with staff, parents and the community were held at the school on 18 March 2013, details of which can be found in Appendix 8 as attachments.
- 3.6.15 The statutory consultative stage of the proposal to expand provision by 40 places and change its designation from MLD to MLD, SLD and ASD from September 2014 was completed on 22 April 2013.
- 3.6.16 The proposal received 10 responses to the consultation. 6 (60%) consultees support the proposal, 0 (0%) were against the proposal, whilst 4 (40%) remained undecided.
- 3.6.17 Following the end of consultation, the Council agreed to publish the statutory notice (Appendix 9 and full proposal (Appendix 8).
- 3.6.18 The Council is estimating that the planning permission would be granted under Part 3 of the Town and Country Planning Act 1990 by February 2014. Hence, the Executive is requested to approve the expansion of Woodfield Special School from September 2014, conditional upon the granting of planning permission and in accordance with Regulation 38 (1) (a) of the School Organisation Regulations.
- 3.6.19 All applicable statutory requirements to consult in relation to these three proposals have been complied.

Stage Two Publication
Publication of Statutory Notice

- 3.6.20 Following the consultation stages outlined above, the Local Authority with the support of the governing bodies of Kensal Rise and Oakington Manor primary schools and Woodfield Special School published the Statutory Notices detailing the proposals, in two local newspapers.
- 3.6.21 Copies of the full statutory proposals are attached as Appendices 2, 5 and 8 and the statutory notices as Appendices 3, 6 and 9.

Stage Three Representation

- 3.6.22 The statutory notices were followed by a 6 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 Executive when the proposal is determined.

Responses received during the Representation Stage:

- 3.6.23 No representations were received for the three schools during the 6 week statutory period as outlined below:

	Agree	Disagree
Kensal Rise	0	0
Oakington Manor	0	0
Woodfield	0	0

3.7 Next Steps

- 3.7.1 The anticipated dates for the key project milestones following a decision by the Executive to determine this proposal to alter Woodfield Special School are set out in the timetable below:

Milestone	Date
Executive Decision to expand the schools (Stage 4)	19 August 2013
Planning Application submission	October / November 2013
Award of contract for building works by the Executive	December 2013
Building work finishes	Easter 2014
40 new places available on	September 2014

4.0 Financial Implications

- 4.1 A report entitled Review of the School Expansion Programme 2012-16 **was** submitted to the May 2013 meeting of the Executive which provided an update on the school expansion programme with a focus on optimising the use of available funding. The report identified the total main capital allocation available to spend by the end of 2014-15 on new school places as £87.99m and included provision for the proposed expansion of Woodfield School within the allocation.
- 4.2 The cost of providing the 40 place expansion at Woodfield School has been forecast at £1.5m, of which the school governing body has approved a contribution to the capital costs of £200k. The balance of funding is to be provided from unsupported borrowing which the Schools Forum has agreed to meet the capital repayment and borrowing charges from the Dedicated Schools Grant.
- 4.3 The Oakington Manor School Governing Body have agreed to meet the costs associated with increasing the ARP provision at the school within a larger overall expansion scheme at the school forecast in the region of £1.3m on the basis that the Council contributes the sum of £67k towards the cost of refurbishing existing buildings. The required contribution will be met from the Basic Needs Grant allocation held for the expansion of school places.
- 4.4 The expansion of pupil numbers at the schools will result in increased revenue costs associated with the increased provision. From April 2013 changes to schools funding from the Department for Education means SEN places are funded from the High Needs block of the Dedicated Schools budget. The council will commission places and provide top up funding based on the number of pupils on roll. This is to eliminate funding empty places. The increase in places at Oakington Manor will be funded from the High Needs block.
- 4.5 There are no financial implications from the closure of the Kensal Rise Unit as the commissioned places have been funded to 31st August only, and there are no redundancy costs.

5.0 Legal implications

- 5.1 The procedure for the change of character, alteration and enlargement of Kensal Rise ARP, Oakington Manor ARP and Woodfield Special 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 2007 as amended. The Local Authority is entitled to make prescribed alterations to Kensal Rise, Oakington Manor primary schools and Woodfield Special School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 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 Regulation 30 of The School Organisation Regulations 2007 as amended.
- 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.

5.4 The Brent Executive 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 paragraph 30 of the School Organisation Regulations.

5.5 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form is applicable.

5.6 If the Local Authority fail to decide proposals within 2 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 2 month period.

5.7 Decision Making:

5.8 There are 4 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 13 June 2013.

- 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?

5.9 Types of Decision

5.10 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.

5.11 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.

5.12 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.

5.13 Any appeals must be submitted to the LA within 4 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 1 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.

5.14 Procurement: The construction contract/s associated with these expansions will be addressed as part of the wider primary school expansion, with preference to undertake one procurement exercise for a construction contract covering all schemes within the same phase of the programme. Appropriate procurement routes are currently being reviewed with LBB Procurement and Legal Services and a further report will be brought to the Executive in accordance with Council Standing Orders for approval to procure and approval to award any contract.

6.0 Diversity Implications

6.1 The schools proposed for expansion have an ethnically diverse pupil population and catchment of pupils who need places. Oakington Manor and Kensal Rise primary schools 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. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.

6.3 The joint Equality Impact Assessment for the schools has been completed for all three schools in this report.

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 schools' budgets.

7.2 One teacher was under the threat of redundancy with the closure of the Kensal Rise ARP, however she has since found new employment with Brent.

8.0 Background Papers

- Equality Impact Assessment for all schools consulting during 2013 to change their character
- Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Appendix 1	Kensal Rise Primary School – consultation document
Appendix 2	Kensal Rise Primary School – full statutory proposal document
Appendix 3	Kensal Rise Primary School – statutory notice
Appendix 4	Oakington Manor Primary School – consultation document
Appendix 5	Oakington Manor Primary School – full statutory proposal document
Appendix 6	Oakington Manor Primary School – statutory notice
Appendix 7	Woodfield Special School – consultation document
Appendix 8	Woodfield Special School – full statutory proposal document
Appendix 9	Woodfield School – statutory notice

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