

Considerations about the proposal in relation to the Decision-Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. 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, to the Office of the Schools Adjudicator for decision. This two month period will end on 21 July 2014.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. New school organisation regulations and associated guidance came into force on 28 January 2014. The guidance documents are available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

'Annex B: Guidance for Decision-makers' sets out some of the factors that decision-makers should consider when deciding a proposal. These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

The format of this Appendix follows the framework of the Annex B guidance.

- The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context.
- The text beneath the italic extracts in each section contains officer comment in relation to the factors.

Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all objections to and comments on the proposal.

Consultation on the draft Special School SEN Placements Planning Framework and options to increase provision was undertaken from Monday 12 November to Friday 21 December 2012. The outcomes of the consultation were reported to Cabinet on 18 July 2013, and Cabinet agreed the Framework which provides a framework for bringing forward proposals over the next 3-5 years to increase capacity to meet the rising demand for provision for children and young people with special educational needs.

Statutory proposals to expand Earlsmead Primary School and West Lodge Primary School were published on 23 April 2014 for a four week representation period which closed on 21 May 2014. In order to make the nature of the proposals explicit and clear for all stakeholders, the brief notice and the full proposal stated as full information as possible. It is considered that all necessary information was provided and made available for stakeholders and interested parties to see.

The brief notice and full proposal were developed with close reference to the Government guidance. It is considered that the published brief notice and full proposal comply with the statutory requirements.

The sections below on 'Aspirations of parents', 'Changes to special educational need provision – the SEN improvement test' and 'Representations about the statutory proposals' provide information about the views submitted.

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

Quality of schools

Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. 92% of Harrow's primary and secondary schools are judged 'good' or 'outstanding', compared to 85% in London and 78% nationally.

High quality SEN provision contributes to a number of key indicators. Closing the Gap - is also a fundamental part of Ofsted's school inspection process, and accordingly, the Local Authority monitors the attainment of identified groups of pupils in its schools.

The Local Authority monitors the gap at key stage 2 and at key stage 4 between Harrow's SEN children and their peers – children with a SEN provision include School Action, School Action Plus or a Statement. The SEN gap at KS2 has consistently been narrower than the national. However Harrow's SEN gap at KS4 remains wider than the national one.

Government policy maintains a focus on driving up standards in schools, and places more of the responsibility with the schools directly for their improvement. However, the Local Authority maintains a strategic oversight and enabling role in local education, and continues to monitor educational achievement, Closing the Gap and key measures such as exclusions and absence.

Diversity of schools

There is a range of schools in Harrow offering diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school, a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. There are two free schools, one of which has a Hindu ethos. Primary sector community schools are organised as separate and combined infant and junior schools and have a range of planned admission numbers from one to four forms of entry.

Harrow is committed to securing greater autonomy, flexibility and scope for schools to drive their own agendas within a collaborative whole-borough framework. Harrow's success in this approach is demonstrated through the Harrow School Improvement Partnership and the Harrow Collegiate.

The community of Harrow schools has a tradition of collaboration and cooperation and is confident to develop and embrace innovative solutions. Within this context the local authority, in partnership with schools, will continue to explore routes that provide creative and innovative solutions for challenges faced by individual schools and groups of schools, and provide a means to secure school improvement.

Two schools have established an academy trust to drive improvements in education attainment, and two other schools are planning to establish an academy trust in July 2014.

Aspirations of parents

The responses to the consultation undertaken on Phase 2 school expansion proposals in September – October 2013 indicate broad agreement with the Council's approach to creating additional school places in Harrow. Over 60% of respondents agreed with the Council's approach to creating additional school places in Harrow.

The consultation on the draft Special Schools SEN Placements Planning Framework and options to increase provision was undertaken from Monday 12 November to Friday 21 December 2012. Consultation documents were distributed to all schools for parents and staff, chairs of governors, colleges and other stakeholders. Meetings for parents were also held at Woodlands, Kingsley and Shaftesbury special schools.

The level of consultation response was fairly low but did indicate a broad level of support for the direction of the Framework and the options presented in the consultation. The consultation responses were supplemented by discussions and open meetings held during the consultation.

Key themes:

- Positive comments about Kingsley, Shaftesbury and Woodlands.
- Recognition of the need to increase provision and the challenges that this presents.
- Responses suggested increasing the size of existing schools. But also acknowledged the site restrictions and the importance of not increasing the schools to a size that would lose their sense of community.
- Both Kingsley and Shaftesbury governors would want to retain their post 16 provision.
- A number of comments were made about the range of pupil need that would need to be met in the proposal for an additional post-16 provision and points of transition.
- Suggestions were made about increasing specific provision e.g. for children and young people with autism, opening another special school.

Raise local standards and narrow attainment gaps

A key principle identified by officers and representative primary headteachers in the work to develop expansion proposals was the maintenance of high quality education standards, and all schools with council support as necessary will work to ensure high education standards are promoted through the expansions. The governing bodies and senior leadership teams of the schools will ensure appropriate structures are in place to manage the increased numbers of pupils and deliver the curriculum.

Suitable accommodation and facilities will be provided to accommodate the increased pupil numbers. Revenue funding is based on pupil numbers and the funding for increased numbers of pupils can enable opportunities for schools to be creative in use of resources to promote pupils' learning.

Narrowing the Gap is a fundamental part of Ofsted's school inspection process, and accordingly, the Local Authority monitors the attainment of identified groups of pupils in its schools.

Government policy on academies

The Government's policy on academies is not directly applicable to these expansion proposals. The proposals do not create a new school which is when the 'academy presumption' applies. The governing body of a school is at liberty to consider conversion to academy school status regardless of whether the school is expanded or not.

Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

In Harrow there is provision for pupils with special educational needs in a range of settings including mainstream schools, additionally resourced mainstream school settings, and special schools. Some pupils also attend schools outside of Harrow. Harrow is experiencing a growing and changing population and there is increasing pressure on the current provision for pupils with special educational needs. This is both in the number of places available and also on the funding. A shortfall of local provision increases the costs of placements at provision outside the borough.

The total number of special needs statements in Harrow has increased by 93 or 9% between 2006 and 2011 calendar years. In addition, the percentage of children with a statement placed in a special school (Harrow, other local authority, independent or non-maintained) has increased from 35% to 43% during the same period. This represents continued pressure and demand for more special school places. The four special schools have nearly reached capacity within their existing sites.

The factors contributing to this increasing demand include:

- rising overall demography;
- increase in premature baby survival rate with the consequent greater percentage of children with severe and complex needs;
- growing number of children with significant learning difficulties moving in to the borough.

The biggest growth in demand across the four special schools is for pupils with autism (63% increase between 2009 and 2012). Three specialist resourced provisions for pupils with autism have been established in mainstream schools, providing eventually 36 places. While these proposals would increase specialist resourced provision for autism in mainstream schools, more special school places will be required to accommodate pupils with severe autism and statutory proposals to expand special schools were approved in April 2014.

School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

School size

Harrow's school expansion programme is very significant and is expected to involve all schools in opening additional classes on either a permanent or temporary basis. Over half the primary

schools in Harrow will be permanently expanded by the end of the school expansion programme. Statutory proposals to expand 3 of Harrow's 4 special schools were approved in April 2014. Secondary sector schools will also need to expand together with the additional new places at Whitefriars Community School and free school(s).

Impact on the Local Authority's budget

Any increase to special educational needs provision will inevitably have significant financial capital and revenue implications. Under the new School Funding proposals, places at specialist resource provision would be commissioned by the Local Authority and funded from Dedicated Schools Grant (DSG). The increase in places would result in a pressure on the DSG budget for high needs pupils and this would have to be considered as part of setting the annual School Budgets.

By addressing the increase in pupils through expanding provision in Harrow schools it minimises the need for out of borough placements and reduces pressure on Special Needs Transport budgets.

Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admissions authority should be given the opportunity to revise them.

No changes to admission arrangements arise from these proposals. The proposed places are in addition to the published admission number of the schools. There would be resources provided at the schools to meet the special educational needs of the additional pupils.

No changes to post-16 provision arise from the proposals.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

No changes to National Curriculum provision arise from these proposals.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- *eliminate discrimination;*
- *advance equality of opportunity; and*
- *foster good relations.*

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 should 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.

Equalities Impact Assessment has been undertaken on each school proposed for additional special educational need places. The overall conclusion of these assessments is that the implications are either positive or neutral in that the expansion of the schools will help to ensure sufficient school places for the increasing numbers of children in Harrow. The assessments have not identified any potential for unlawful conduct or disproportionate impact and conclude that all opportunities to advance equality are being addressed.

Harrow's schools are successful, inclusive and provide a diversity of provision. The school expansion programme will ensure sufficient school places for the increasing numbers of children in Harrow and will build on the successful provision that already exists in Harrow's schools.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact 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.

These are community schools which draw pupils from their local areas and the pupil profile reflects the ethnicity of their areas. The January 2013 School Census demonstrates that the schools have ethnically diverse pupil populations.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

These proposals to create additional special educational need school places are intended to ensure that the special educational needs of children can be met at provision within the London Borough of Harrow and to minimise the need for children and young people to travel to provision outside the borough.

This approach will minimise distances that children and parents have to travel to school and will serve to promote accessibility. By addressing the increase in pupils through expanding provision in Harrow schools it minimises the need for out of borough placements and reduces pressure on Special Needs Transport budgets.

Schools in Harrow already have a degree of traffic and congestion issues from the current school intake. It is recognised from the School Expansion Programme that the expansions will exacerbate the problems if no mitigating measures are taken. To minimise the impact of the

additional pupils a cross-council approach is being adopted to bring officers together from Children's Services, Community and Environment to work with schools and local residents. Transport Statements at additional special educational needs place provision have been undertaken and will be submitted as part of the planning application for building work at the schools. Particular emphasis is being given to School Travel Plans as a means of focusing attention on the issues and to seek to bring about change in people's behaviour in delivering and collecting children.

Capital

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal 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 proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

If these statutory proposals are approved, the schools would require building work to be undertaken to provide appropriate accommodation for the additional children.

Successful application for funding to expand the schools was made by Harrow Council on the schools' behalf to the Government's Targeted Basic Need Programme (TBNP). Under the conditions of the TBNP, the capital allocation has to be spent by September 2015.

The revised post-feasibility indicative costs from the detailed feasibility study for the capital works at the two schools are as follows:

- Earlsmead Primary School is £750,000;
- West Lodge Primary School is £950,000.

There will be close monitoring of the affordability of the School Expansion Programme through the Programme Board. It was reported to Cabinet on 21 November 2013 that it is expected to be able to deliver the programme with Education Funding Agency school places basic need capital grants, without the need for Council capital funding.

School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

Government regulations and guidelines are considered in relation to all the schools proposed for expansion in the school expansion programme when undertaking the design work to accommodate the additional pupils. All schools are considered in the same fair and transparent manner when identifying the design for building works. The current school facilities are

considered against the relevant Building Bulletin to analyse any current and potential shortfalls. Full consideration is given to suitable outdoor and indoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Changes to special educational need provision – the SEN improvement test

In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- *take account of parental preferences for particular styles of provision or education settings;*
The consultation on the draft Special Schools SEN Placements Planning Framework and options to increase provision undertaken from Monday 12 November to Friday 21 December 2012 indicated a broad level of support for the direction of the Framework and the options presented in the consultation.

The responses to the consultation undertaken on Phase 2 school expansion proposals in September – October 2013 indicate broad agreement with the Council's approach to creating additional school places in Harrow. Over 60% of respondents agreed with the Council's approach to creating additional school places in Harrow.

- *take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;*
From September 2014, Harrow Council will be required to clearly set out in one place what services are available in the local area in relation to education, health and social care and how they are accessed. This will be called the Local Offer. The Council is working with parents and with internal and external partners to co-produce the Local Offer for September. Work has started to involve parents, carers and young people and the Council is learning from the good work that has already been done by other authorities around the country. We will be asking those involved for their views about how we can make the support we provide more joined-up and family-centred.
- *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;*
Statutory proposals have been approved for expansions of three special schools in response to pressure for specialist school places and the predicted numbers of children and young people with complex and severe learning difficulties and disabilities. These statutory proposals to create additional special educational need places at two maintained schools add to the graduated provision in place within Harrow's additionally resourced mainstream schools.
- *take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;*

The two schools are rated by Ofsted as good or outstanding. The resource provision would be integrated within the school and the curriculum on offer would provide an extremely wide range of options so that there is an excellent match between pupils' needs and academic, practical and creative activities.

All schools seek to promote a culture of healthy living, safety and well-being.

- *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;*

All building work undertaken will comply with school building regulations and be fully accessible for children and young people with learning difficulties and disabilities.

- *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;*

Strong leadership is a key feature of the schools. Leaders are driving improvement in all areas and, as a result, the schools are effective and provide good quality facilities that meet pupils' needs well. The headteachers ensure that the schools' strategy for community cohesion is excellent and promotes effective working relationships with other schools, partners and parents.

- *ensure appropriate provision for 14-19 year-olds; and*
- *ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.*

The expansions will ease the pressure on the Council to place children and young people in out-borough school placements.

The Children and Families Bill received Royal Assent on the 13 March 2014. The new legislation transforms the support given to children and young people with Special Educational Needs (SEN) and Disabilities. The new education, health and care plan will replace statements and strengthen the requirements for local authorities and health to work together.

When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

No reorganisation of provision arises from these expansion proposals.

Consultation on the proposals in the Special School and SEN Placements Planning Framework was undertaken from 12 November to 21 December 2012. Nearly two thirds of those who responded to the consultation question "Do you think there should be additionally resourced provision in primary schools?" agreed there should be additionally resourced provision in primary schools. Almost one third disagreed with this proposal.

Points from the responses given to the consultation question made against the proposal are given in the bullet points below together with officer response:

- Mainstream children suffer enormously as a result.

Officer response: Dedicated additional resourced provision at the schools would ensure that the needs of the additional children with statements of special educational needs at the school can be met without adversely impacting on the other children at the school. These schools already have experience of meeting the needs of children with special educational needs and ensuring that the needs of all children at the school are met. There is experience in Harrow of this provision at other mainstream schools that can be drawn upon at the new resource provision.

- Not suitable for our students needs.
- 'inclusion' doesn't work for many kids with special needs.

Officer response: Additional children with special educational needs would only be placed at these schools if the provision was specified in the SEN statement as being appropriate to meet the child's needs. Many children with significant and complex needs will have their special educational needs met at special schools rather than in mainstream schools and expansion of places at three special schools has been approved to ensure there is capacity available at these schools.

An inclusive approach can be appropriate and successful for all the children at a mainstream school as well as for the children with special educational needs. Indeed, integration into mainstream schooling can be achievable for the majority of children with special educational needs. The local authority has a duty to name the parents' preferred maintained school and a governing body of a maintained school cannot refuse to admit a child solely because they have special educational needs.

Representations about the statutory proposals

No formal representations in relation to the statutory proposals were received by Harrow Council by the closing date of the representation period on 21 May 2014.

The governing bodies of the two special schools have confirmed their agreement to the expansion proposals. Their responses are reproduced below in full.



Earlsmead Primary School

Arundel Drive, Harrow, HA2 8PW Tel: 020 8864 5544 Email: office@earlsmead.harrow.sch.uk
Head teacher: Mrs Emma Willington 020 8864 5544

Jihanna Morgan
Education Professional Lead School Organisation
Harrow Teachers' Centre
Tudor Road
Wealdstone
HA3 5PQ

20 May 2014

Dear Ms Morgan

RE: Proposal to expand Earlsmead Primary School

Further to your letter of 23 April 2014, we have hosted an evening for the local community and parents/carers to view the plans and ask questions. The questions raised were about the safety of the children, increased traffic and what were the benefits of the expansion for the school and its pupils.

The expansion was discussed at a Full Governing Body meeting and governors had a tour around the area to be expanded. Governors fully approve the expansion and are pleased with the plans outlined so far. The discussion covered safety, the benefits to the school, access to the unit and the time scale as to when and how the work would be carried out with minimum disruption to school, finance, staff, pupils and teaching. The governors were satisfied that the expansion would be monitored carefully and with safety the key priority. It should remain a standing item on the agenda until the work is complete and the unit is functioning.

The school also displayed the proposal notice on the school gates.

We look forward to hearing from you following the meeting with the council in June.

Yours sincerely

Trudie Frith
Chair of Governors



**From the Governors of
WEST LODGE PRIMARY SCHOOL
West End Lane, Pinner, Middlesex HA5 1AF
Tel: 020 8866 9836**

Thursday 22nd May 2014

Chris Melly (Mr)
Senior Professional – School Organisation
London Borough of Harrow

Re: Statutory Expansion Proposal - West Lodge Primary School

Dear Chris,

I am writing to confirm our support of the statutory expansion proposal for West Lodge Primary School. The Governing Body and Senior Leadership Team of West Lodge are in support of the expansion proposal. The exact design configuration has yet to be finalised, however assurances have been given by Marcus Toombs that the issues raised by the school, regarding the initial design, will be resolved. The assurance involves the inclusion of an additional room of 15m² and the funding for moving the library to the upstairs locker area within the school.

We are happy to move forward with this project now that these assurances are in place.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Lane'.

Andy Lane
Chair of Governors
West Lodge Primary School



**INVESTORS
IN PEOPLE**

