

REPORT FOR: **CABINET**

Date of Meeting:	26 June 2014
Subject:	School expansions to create additional special educational need provision
Key Decision:	No
Responsible Officer:	Chris Spencer, Interim Corporate Director Children and Families
Portfolio Holder:	Councillor Simon Brown, Portfolio Holder for Children, Schools and Young People
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	Pinner South, Roxeth
Enclosures:	Appendix 1 - Considerations about the proposal in relation to the Decision-Makers Guidance

Section 1 – Summary and Recommendations

Statutory proposals to were published on 23 April 2014 for a four week representation period. This report provides information and recommendations to enable Cabinet to determine the statutory proposals.

Recommendations:

Cabinet is requested to approve the statutory proposals to create additional special educational need places in addition to the published admission number at the following mainstream schools from September 2015:

- 12 places at Earlsmead Primary School
- 18 places at West Lodge Primary School.

Reason: (For recommendation)

To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its area.

Section 2 – Report

Introduction

1. The Local Authority has a statutory responsibility to provide sufficient school places for its area. There are several key strands to the delivery of sufficient school places because an increasing pupil population impacts across primary, secondary and special school provision. The focus of this report is on school provision for special educational need.
2. In July 2013 Cabinet approved the Special School SEN Placements Planning Framework for bringing forward proposals over the next 3-5 years to increase provision for children and young people with special educational needs. The proposals in this report are in line with the Framework.
3. The recommendation supports the Council's vision of 'Working Together to Make a Difference for Harrow' and the Council Priorities to make a difference for the vulnerable and for families and communities by:
 - Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
 - Providing high quality local special educational need provision in schools for children close to where they live.

Options considered

4. On 11 October 2012, Cabinet considered the draft Special School SEN Placements Planning Framework and approved:
 - the aims and guiding principles, and;
 - that a wide stakeholder engagement and consultation be undertaken.
5. The consultation on the draft Framework and options to increase provision was undertaken from Monday 12 November to Friday 21 December 2012. 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.
6. The outcomes of the consultation were reported to Cabinet on 18 July 2013, and Cabinet agreed the Special School SEN Placements Planning 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.

7. During 2013, successful applications were made to the Government's Targeted Basic Need Programme to create more additionally resourced places at mainstream schools in Harrow, particularly for pupils with autistic spectrum disorder needs. Under the conditions of the Targeted Basic Need Programme, the additional school places must be established, and the funding spent, by September 2015.
8. On 28 January 2014, new regulations came into force amending the process for expanding community schools. Statutory proposals are required for adding or removing specialist special educational need provision within mainstream schools.

Statutory proposals

9. Statutory proposals to expand two schools were published on 23 April 2014 for a four week representation period. 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.
10. The governing bodies of the two schools have confirmed their agreement to the expansion proposals. Their responses are reproduced in full in Appendix 1 under the section on 'Representations about the statutory proposals'.
11. Cabinet has the following options:
 - a. Reject the proposals;
 - b. Approve the proposals;
 - c. Approve the proposals with modification;
 - d. Approve the proposals subject to meeting a separate condition.

Recommendation

12. The interim Corporate Director Children and Families recommends that Cabinet approves the statutory proposals to create additional special educational need places from September 2015 in addition to the published admission number at the two schools. The pupil numbers would increase over a two year period and the additional special educational need places would fill by 2017.
13. The decision-maker must have regard to the statutory decision-makers guidance issued by the Secretary of State. The guidance for decision-makers is provided in Background Papers. Appendix 1 of this report outlines the relevant factors to consider from the decision-makers guidance, and contains officer commentary in relation to them. It is considered that the proposals for permanent expansion of these schools meet the factors. If Cabinet approves the statutory proposals, there is a legal duty to implement the proposals.
14. It is not considered necessary to make the approval subject to meeting any conditions. Separate statutory processes will be followed for the planning applications that will deal with issues relevant to planning consents.

Legal Implications

15. New school organisation regulations and associated guidance came into force on 28 January 2014 and the process has been amended to streamline the process. The new statutory requirements and national guidance have been followed when publishing the statutory proposals for the expansion of these schools.

16. The statutory guidance confirms factors which should be taken into account by local authorities when determining proposals. Appendix 1 to this report sets out considerations about the proposal in relation to the Department for Education School Organisation Guidance for proposers and decision-makers.
17. When making this decision, Cabinet must take account of public law duties, including the public sector equality act duties and consider all relevant information before reaching a decision.

Financial Implications

Revenue

18. 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.
19. 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.

Capital

20. The table below illustrates the initial indicative costings and the estimates following the completion of the detailed feasibility studies with the cost consultants. There will be a range in the cost to achieve permanent increase in provision which reflects the proposed additional school places and the individual nature of the schools and their sites.

Project	Original Pre-feasibility Estimated Project Cost	Post-feasibility Forecast (as at May 2014)	Scheme
All figures are £000s			
Earlsmead Mainstream Unit	1,500	750	TBNP
West Lodge Mainstream Unit	1,500	950	TBNP
TOTAL	3,000	1,700	

Performance Issues

21. High quality SEN provision contributes to a number of key indicators. The table below shows the gap at key stage 2 between Harrow's SEN children and their peers – children with a SEN provision include School Action, School Action Plus or a Statement.

22. 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.
23. The SEN gap at KS2 has consistently been narrower than the national. Please note that the DfE changed KS2 assessment in 2012-13, by replacing the English test with Reading and Writing instead.

Key Stage 2 - Closing the Gap - SEN	Harrow		National	
	2012	2013	2012	2013
Achievement gap between pupils with special educational needs and their peers, based on pupils achieving level 4 or above in Reading, Writing and mathematics at Key Stage 2.	48%	49%	55%	53%

The 2012 and 2013 results above have been published by the DfE in their Statistical First Release.

24. 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.

Environmental Impact

25. The Council's over-arching climate change strategy sets a target to reduce carbon emissions by 4% a year. Schools account for 50% of the Council's total carbon emissions. Reducing emissions from schools is therefore a vital component in meeting the Council's target. However there is a significant risk that the expansion programme will increase emissions rather than reduce them. The overall School Expansion Programme will have an impact on carbon emissions that will need to be carefully considered in this context.
26. The RE:FIT Schools Programme will be available to retrofit existing school buildings to improve their energy efficiency. For new-build schools, the design standards will need to ensure that they meet high energy use efficiency standards. Of particular importance will be the use of low carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase.
27. For many of the projects in the school expansion, programme, planning applications will be required and part of the application will be a school travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Risk Management Implications

28. Risk included on Directorate risk register? Yes, as part of School Expansion Programme.
29. Separate risk register in place? No.

30. A summary of high level risks is provided in the table below.

High Level Risks	Consequences	Mitigating/Control Actions
Insufficient provision	High cost out-borough placements.	Framework agreed to expand local provision following consultation with stakeholders.
Lack of support for expansion proposals	High cost out-borough placements.	Options developed with the agreement of schools in line with the Framework proposals.
Insufficient revenue funding	Unsustainable provision.	Options being costed in accordance with the Government's new funding formula.
Insufficient capital	Risk of loss of TBNP funding if the new places are not provided and the allocations spent by September 2015. Provision not delivered and out-borough placements required.	Successful bids made to the Government's Targeted Basic Need Programme. Indicative costs calculated from feasibility studies to inform programme budget. Robust financial and programme monitoring through the Programme Board, Capital Forum and Cabinet reports.
Programme delivery	Delays to programme – school places not available, additional costs.	Capital Team established with appropriate skills, experience and expertise in major construction projects to deliver programme. Programme Board established with Corporate Director and senior officer membership.

Equalities implications

31. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
32. Equalities Impact Assessment has been undertaken on the schools 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.

Corporate Priorities

33. The Council corporate priorities are as follows:

- Making a difference for the vulnerable
- Making a difference for communities
- Making a difference for local businesses
- Making a difference for families

34. The recommendation supports these priorities by:

- Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
- Providing high quality local special educational need provision in schools for children close to where they live.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 19 May 2014		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 19 May 2014		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 19 May 2014		

Section 5 – Environmental Impact Officer Clearance

Name: Hanif Islam



on behalf of the
Corporate Director
(Environment &
Enterprise)

Date: 19 May 2014

Ward Councillors notified:

YES

Section 6 - Contact Details and Background Papers

Contact: Johanna Morgan, Education Professional Lead, Education Strategy, Children & Families, 020 8736 6841.

Background Papers:

Cabinet report on School Organisation 18 July 2013, Item 672, Appendix B 'Special School SEN Placements Planning Framework'.

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=61430&Ver=4>

Equalities Impact Assessments on Earlsmead Primary School and West Lodge Primary School.

**Call-In Waived by the
Chairman of Overview
and Scrutiny Committee**

NOT APPLICABLE

[Call-in applies]