

Item No.	Classification: Open	Date: 19 July 2012	Decision Taker: Cabinet Member for Children's Services
Report title:		Cherry Garden School increase in size: report back on initial consultation	
Ward(s) or groups affected:		All wards	
From:		Strategic Director of Children's Services	

RECOMMENDATIONS

1. That the responses to the initial statutory consultation on the proposal to permanently enlarge Cherry Garden Primary Special School be noted.
2. That the statutory notice required for permanent enlargement from 46 to 66 pupils from September 1 2015 be published.

BACKGROUND INFORMATION

3. The Cabinet Member for Children's Services agreed on 16 February 2012 to initial statutory consultation on the proposal to increase Cherry Garden School in size from 46 to 66 places with a target date of September 2014.
4. The initial statutory consultation on the permanent enlargement to Cherry Garden School from 46 to 66 pupils has now been carried out. This report summarises the outcomes of the consultation.
5. As a result of the response from Gloucester primary school it is now proposed that Cherry Garden formally expands from September 2015.

KEY ISSUES FOR CONSIDERATION

6. Cherry Garden is a very effective special school, judged to be outstanding by Ofsted in May 2010. However, the current school building has serious condition and suitability issues and was therefore identified as a priority in the primary capital programme. It is proposed to enlarge the school to take 66 pupils and, as reported in February, it is planned to develop the new Cherry Garden School on the Gloucester primary school site and vacate the existing Cherry Garden site. There would be many advantages in this, such as the potential for co-location of services. In addition the new proposed location is between Gloucester and the new Tuke secondary special school. This proposal would therefore enable the two special schools to work together in supporting pupils with severe, profound and multiple learning difficulties and complex needs, particularly at the age of transfer.

Consultation

7. In carrying out the consultation process on the proposed enlargement of Cherry Garden School, letters were sent to the following stakeholders: parents and carers of pupils, governors and staff at Cherry Garden School, Headteachers and Chairs of governors of all Southwark schools, Councillors, the NHS Trust, local MPs, trade unions and a neighbouring authority. An example of the letter is attached to this report as Appendix 1. The consultation period was from 15 March to 20 April 2012.

8. The outcome of the consultation is summarised in the following table

Respondent	Response	Comments on response
Parent governor, vice-chair of governors and four staff, with Head and Deputy Head at drop in meeting on 29 March 2012.	Parent governor in favour of expansion; happy with move to the centre of the borough.	
	Would Cherry Garden be unified with Gloucester into one school and lose its name?	No, this proposal is for the enlargement of Cherry Garden, not its unification with Gloucester.
	Some concerns about losing access to local community of shops and local library.	Although the school will lose access to its current local community, in its new location it will be near to the upgraded Burgess Park and close to shops in Peckham and the Peckham Library.
	Whether the new entrance to the school will allow Cherry Garden to establish its presence.	It is anticipated that the entrance will allow the school to establish its presence.
	Whether external spaces will be designed to ensure that Cherry Garden pupils can have access to their own spaces, where necessary, as well as sharing with Gloucester pupils.	The design of the external spaces will ensure that the Cherry Garden children would always have access to their own separate external space for individual support, as well as to the shared space.
	Will there be car parking and bike space?	These issues will be included in the detailed design but shared car parking and bike space will be provided.
	Governors and school management very keen that building proposals are now developed as soon as possible to ensure completion by September 2014.	The development of the building proposals is in tandem with these statutory changes, with the current intention to complete in the 2014/15 school year. There will be consultation with both schools on building proposals from this summer.
	Is increase to 66 adequate?	The health data on younger children 0-5 who are born with needs that might require a school with the facilities that Cherry Garden can provide has been analysed. On the data available, all the children of statutory primary age will be able to be accommodated in the increased size school, as well as a small number of younger children with the most severe and complex needs.
	Is there sufficient money to complete the scheme and is the money for Cherry Garden separately safeguarded?	A budget has been established for this project that is considered to be sufficient for the necessary works to establish Cherry Garden alongside appropriate investment in Gloucester school. At the outset of the detailed design process a budget will be ring-fenced to each school.
Written responses		
Two parents in favour of the proposal		
One parent against the	Because it might make the school too large and	The building design will ensure that more school accommodation that is suitable for the larger number of

enlargement.	therefore too difficult to look after the children.	pupils will be provided.
One member of staff against the proposal.	Unless there are more classrooms, because having more children in the same number of classrooms even with more staff would be hard.	The new school building will have more classrooms, which will address this concern.
One councillor in favour.	Proposals seem sensible and hopefully beneficial for all parties.	
One councillor	Expressed an interest to know why people residing close to the proposed site for the school will not be consulted.	This initial consultation process is solely concerned with the expansion of Cherry Garden special school, a prescribed alteration for the purposes of school reorganisation. The DfE has published details of all those who have to be formally consulted in such cases. As part of this consultation process the consultation letter was sent to local ward councillors (along with all councillors) and to local libraries. Parents at both schools affected were also consulted; Gloucester school parents were sent a letter from the Headteacher explaining the proposal. The co-location of Cherry Garden on the Gloucester site is not classified as a prescribed alteration, and statutory consultation is not required on this specific proposal. The neighbours will be provided with the opportunity to express their views because the building project will require planning permission and during the planning process those residing close to the Gloucester school site will be consulted on the detailed proposals and how they would be materially affected.
Local managers for paediatric occupational therapy, physiotherapy and speech and language therapy.	Supportive of the rebuild of the school and its co-location which will bring about opportunities for integration across the two schools. Welcome further involvement around the implications for the three therapy services of enlargement.	
The local MP, Simon Hughes.	Expressing his strong support for the school and paying tribute to its Headteacher, staff and governors. He confirms that although the local community will be sad to see this school move out of Bermondsey after such a long time, the proposal to co-locate it with Gloucester primary school seems a good one and provides the space needed for the expansion to a school of 66 pupils.	
Gloucester primary school	The school responded that because developing the proposals for the co-location of Cherry Garden with Gloucester will require a significant amount of	As a result of this response to the consultation the programme for planning and developing, building and refurbishing the accommodation for the two schools has been revised, which means that the new Cherry Garden building will not be completed until sometime in the 2014/15 school year. It is therefore planned that Cherry Garden

	<p>preparation and engagement for both schools and Gloucester school needing to devote their management resources to ensuring the best educational outcomes for their children while they undergo inspection that the commencement of the design work should be deferred until the Autumn term.</p>	<p>school will move into its new accommodation in Spring 2015. However, as the school will need time to establish themselves in their new accommodation it is considered in the best interest of a successful outcome that the formal expansion of Cherry Garden will therefore take place in September 2015.</p>
--	---	---

9. The responses to the initial consultation have been addressed above, and the majority support from stakeholders and interested parties for the proposal is positive. The change to the formal expansion date from September 2014 to September 2015 has been discussed with Cherry Garden who understands that it responds to reasonable concerns about the need to ensure that the complicated development process achieves the best outcomes for both schools. All consultees have been informed of the change to the proposed date for the expansion of Cherry Garden from September 2014 to September 2015. A copy of this letter is attached as Appendix 2.
10. Two comments have been received as a result of this letter. Councillor Hargrove has commented that he is very pleased with this outcome which makes a lot of sense and which reflects the concerns he had previously expressed. The local therapy managers who had responded previously have also commented that they are happy that the additional time will allow them more time to prepare for the transition to the new site.
11. In recognition of the views of stakeholders expressed during the initial consultation exercise, it is the view of the officers that a statutory notice should be published to start the process on the basis that Cherry Garden expands from September 2015. The Individual Decision Maker (IDM) is advised that during the publication of the notice, there will be another opportunity for stakeholders to give their views.

Statutory process

12. Following approval of recommendations in this report, the authority must publish a statutory notice to the community and allow a 6 week period for representations on the proposals. The outcome of the representations would then be reported to the Cabinet for a final decision.

Community impact statement

13. Permanently enlarging Cherry Garden School will enable more pupils in Southwark with special educational needs to benefit from improved and expanded buildings and to enable the school to develop an outreach programme into the local community. An equalities impact assessment assesses relevant considerations for this proposal.

Resource implications

14. The cost of the consultation will be met from existing revenue budgets.
15. The estimated capital cost of the works of £12.5m are included in the 2011/12 Capital Refresh. After more detailed design work and value engineering had taken place a further £0.5m has been earmarked to be available for the total contract value and will be added to the budget subject to the 2012/13 Capital Refresh.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

16. The local authority has school reorganisation duties under the Education Act 1996 and the Education and Inspections Act 2006. Cherry Garden Special School and Gloucester Primary School are both maintained schools. The local authority is enabled to consult on proposals to effect changes to maintained schools in its area. The local authority has a statutory duty under s.14 Education Act 1996 to ensure there is suitable special educational needs provision available in Southwark.
17. The result of the consultation revealed concerns relating to the timetable from Gloucester Primary School and the IDM has been appraised of the implications in this report, therefore the IDM is advised to agree the amended timetable for implementation, set out in the recommendation.
18. The IDM is asked to agree the publication of a statutory notice to effect the enlargement of Cherry Garden Special School from 46 pupils to 66 and is enabled to agree the proposal to publish the statutory notice under Part 3D, paragraph 20 of the council's constitution.
19. The expansion of the current school to 66 pupils is over a 10% increase of the original Planned Admission Number of 46 and is therefore a prescribed alteration within the meaning of Schedule 4, Part 2 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. A statutory notice to expand may be duly published.
20. As background, the IDM is advised that the location of Cherry Garden Special School to the site of Gloucester Primary School is not a prescribed alteration within the meaning of the Regulations because the transfer is within 2 miles; and a further statutory notice regarding transfer is not required. However, details of the proposal which is linked to the expansion of Cherry Garden Special School will be included in the statutory notice for expansion, for the sake of completeness in the explanatory notes.
21. The IDM is advised that the notice must include the requirements set out in the regulations and summarised in the statutory guidance "Expanding a Maintained Mainstream School by enlargement or adding a sixth form – A Guide for Local Authorities and Governing Bodies" updated 1 February 2010.
22. The Cabinet Member is advised to consider the compliance with this proposal with the SEN Improvement Test, set out at paragraph 4.68 of the statutory guidance, which is appraised in the attached Appendix 3.
23. The Cabinet Member is also advised to consider the outcome of the Equality Impact Assessment attached to this report in Appendix 4 before accepting the recommendation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE Regulations and Guidelines	Tooley Street	Martin Wilcox 020 7525 5018

APPENDICES

No.	Title
Appendix 1	Initial consultation letter
Appendix 2	Letter informing consultees of change to the proposed date for expansion from September 2014 to September 2015
Appendix 3	DfE SEN Improvement Test
Appendix 4	Equality impact assessment

AUDIT TRAIL

Lead Officer	Romi Bowen, Strategic Director of Children's Services	
Report Author	Martin Wilcox, Education Planning Officer	
Version	Final	
Dated	18 July 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Director of Finance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	18 July 2012	