

## Executive

Tuesday September 29 2009

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

# Supplemental Agenda No.1

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|          | <p>To agree initial consultation on the proposal to increase Cherry Garden Primary School in size from 45 to 66 places and to relocate the school to part of the existing Gloucester primary school site with a target date of September 2013.</p> <p>To note that proposals will be brought forward as part of the admissions process to reduce Gloucester primary school places from 90 to 60 from September 2011.</p> <p>To note that the budget allocation in the Primary Capital Programme (PCP) in respect of the Cherry Garden primary school can be reduced, and consequentially the refurbishment of Gloucester primary school may be brought forward into the current PCP.</p> <p>To agree in the light of pressure for additional primary places in the south of the borough that any released resources be reallocated to provide additional primary places within the PCP.</p> |           |

#### Contact

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Date: September 25 2009

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| <b>Item No.:</b>                  | <b>Classification:</b> open   | <b>Date:</b><br>September 29 2009 |
| <b>To</b>                         | Executive   |                                   |
| <b>Report title</b>               | Cherry Garden Special and Gloucester Primary Schools:<br>Consultation on Proposed Changes |                                   |
| <b>Ward(s) or groups affected</b> | Grange, Peckham   |                                   |
| <b>From</b>                       | Strategic Director of Children's Services   |                                   |

## RECOMMENDATIONS

- 1 That the Executive agrees to initial consultation on the proposal to increase Cherry Garden Primary Special School in size from 45 to 66 places and to relocate the school to part of the existing Gloucester primary school site with a target date of September 2013
- 2 That Executive notes that consequential on the co-location with Gloucester primary school, proposals will be brought forward as part of the admissions process to reduce Gloucester primary school from 90 to 60 places from September 2011, reducing the number of children on site from 630 to 420, while maintaining the present nursery of 50 places.
- 3 That the Executive further notes that the budget allocation in the Primary Capital Programme (PCP) in respect of the Cherry Garden primary school project can be reduced, and consequentially the refurbishment of Gloucester primary school may be brought forward into the current PCP.
- 4 That the Executive agrees that in the light of the pressure for additional primary places in the south of the borough that any released resources should be reallocated to provide additional primary places within the PCP.

## BACKGROUND INFORMATION

- 5 The Executive agreed on March 17 2009 to the incorporation of the Primary Capital Programme (PCP) into the 10 year capital programme, subject to confirmation of further DCSF and other funding. Projects would be prioritised on the basis of the schemes set out in the appendix to the report. There was an expectation that further resources may come available in the course of the funding cycle, and some proposals were set out accordingly.
- 6 That report stated that the estimates shown may change in the light of the development of the specification for each project through consultation and scheme development and that each scheme would be the subject of a detailed option appraisal and feasibility study, seeking to maximise the use of resources and to derive the maximum benefit to the available assets, consistent with the drive to secure higher standards.

- 7 This report also considers the impact of the recent rapid increase in primary rolls in the south of the borough, the remedial action that has been taken to add places in existing schools and the options to secure wider changes in order to meet the demand for places in the coming years. The rise in rolls has been felt across the country, but has been particularly marked in London.

## **FACTORS FOR CONSIDERATION**

### **Cherry Garden Special School**

- 8 The main priority for capital expenditure in the programme is a new building for Cherry Garden Primary Special School. This is required to meet the current and planned demands from this client group of children with complex needs, multiple disabilities and severe learning difficulties. Many of these are placed out of borough because of a lack of suitable places locally. The new building will incorporate early years provision for the first time. In many respects, this is parallel to the rebuilding of the Tuke Secondary Special School under the BSF programme, catering for the same client group. A statutory process will be required to secure the increased number.
- 9 When previously reported, the site for the new Cherry Garden school was not settled mainly owing to uncertainties about planning.
- 10 Since the Executive approval in March there has been a review of the proposed size of the new Cherry Garden in the light of the projected need for places for pupils in this category over the next ten years. Previously the school had been planned on the basis of 96 children, in comparison to the current capacity of 46. This had been based on an expectation that the numbers of children in this category was rising faster than the general population. In the light of this review, it is now proposed that the new Cherry Garden is still enlarged to 66 places, of which 56 are for statutory age pupils with in addition a 10 place nursery.
- 11 A feasibility study for a new school of this size has been carried out based on the recently published DCSF design guide BB102 'Designing For Pupils with Special Education Needs'. This set out new standards which represent a significant updating of the design requirements nationally.
- 12 In tandem with the feasibility study a site search has also been carried out into the options for the new school at the smaller planned size.

### **Gloucester Primary School**

- 13 Executive will recall that the Primary Strategy for Change (PSFC) included as a planning principle that primary school provision should, where possible, be in two form entry (FE) schools. As a result the PSFC included a proposal to investigate ways to reduce the Gloucester primary school admission number, originally four forms of entry, to two forms. This was to be included in the later stage of the programme, and would imply the release of a substantial amount of land and buildings. It is also felt that the school would benefit in terms in improved standards as well as management and governance if it were reorganised at a smaller size.

- 14 Reducing the size of Gloucester primary school provides the opportunity to consider the possibility of co-locating the new Cherry Garden on the Gloucester school site, and this was therefore included in the site search. It was necessary to determine whether sufficient land could be made available to provide a satisfactory school at its smaller size, and this was demonstrated in the recently completed feasibility study.
- 15 Other sites that have been considered for the relocated Cherry Garden include the Sumner Workshops site in Peckham (known as 7d) and the existing site of Tuke school. However, in the light of current developments, the Sumner workshops site is recommended to be released for alternative development and the Tuke school site is not recommended as it is more constrained than the Gloucester school site.
- 16 There would be many advantages in developing Cherry Garden on the Gloucester school site. There would be potential for co-location of services with Gloucester primary school, including early years provision, kitchen and large hall and performance spaces. In addition the proposed location between Gloucester and the new Tuke secondary special school, currently being constructed on the site next to Gloucester primary school, would enable the two special schools to work together in supporting these pupils particularly at the age of transfer. Both schools cater for pupils with severe, profound and multiple learning difficulties and complex needs.
- 17 There would also be other efficiencies in the use of resources, including the sharing of the bus drop off for the new Tuke school. The feasibility study also shows that a new large hall, funded in part by Sport England, can be retained as part of the new Cherry Garden school with the potential for joint and community use.
- 18 The initial feedback on the proposal from all the three schools has been generally positive although more detailed discussion needs to be undertaken with all three schools and the local community.
- 19 In order for Cherry Garden to be located on the Gloucester site it will be necessary to reduce Gloucester in size. The reduction in size of Gloucester from 3 to 2 FE can be justified in the light of the current projections for the numbers of pupils in the Peckham area which, on the basis of the median planning totals projects that in the medium term the numbers of pupils in the area are not planned to increase to the extent that these places could not be removed. This is in the light of surplus places being available at other schools in the area such as Cobourg. Gloucester's reduction in admission number from 90 to 60 will be consulted on as part of the 2011/12 admissions consultation process. The school's admission number would be permanently reduced to 60 when the building work is undertaken.
- 20 The project to reduce Gloucester school in size had been included in the later stage of the PCP. The refurbishment scheme would be largely confined to the ground floor where the alteration of the entrance, kitchens and foundation stage accommodation would be required. This would also provide some provision which could be used by both schools, such as shared dining and early years play areas. It is recommended that a minor variation to the reported capital programme is agreed to include Gloucester at this stage.

- 21 The indicative estimated costs from the revised feasibility study, which include the costs of the new Cherry Garden school and the refurbishment of the Gloucester school buildings at 2 FE can be contained within the original costs of £14 million reported to Executive in March for Cherry Garden alone. This is partly as a result of the review of the planned size of the school and also because of the efficiencies that stem from locating the school on the Gloucester primary school site.
- 22 The Executive will be aware that there has been pressure for primary school places in the south of the borough. Proposals are being developed to expand places at Goodrich and Crampton (1FE each for one year only) and Lyndhurst (0.5FE permanently) from September 2009. These schools have been directed to provide the extra places but there will be the consequential need to provide additional accommodation with capital cost implications. The cost of these changes can, for the present, be met from the PCP.
- 23 A more detailed report will be given to a later meeting of the Executive setting out the impact of these revised projections across the borough, and making proposals for new places as appropriate, with the costs so far as these can be determined at this stage. These would represent the first call on any resources that might become available as a result of the proposals in this report.

## **RESOURCES**

- 24 The DCSF has confirmed the PCP allocation of £12.48m in 2009-11. Approval was received for the second year (2010/11) in May 2009.
- 25 Further resources have been secured from the DCSF in respect of the bid for improved school kitchens and dining facilities, contingent upon 50% match funding from relevant projects. Some £505,000 has been agreed.
- 26 The DCSF has invited local authorities to bid for some £200m of additional grant to support the urgent provision of new places. A bid was submitted but the threshold was set very high in terms of additional demand and it was not easy to satisfy the requirements. In the event, as very few authorities, even those with more severe problems, qualified for the extra funds the formula is being recast and the DCSF will shortly reissue the bid invitation. This could bring useful additional resources to supplement the PCP, and would be reported if and when available.
- 27 The PCP also included S106 funds subject to confirmation. Many of these are secured on a tariff linked to new primary places in the community area or the one adjacent to the relevant development. Some may now be triggered to provide additional support to this programme.

## **COMMUNITY IMPACT STATEMENT**

- 28 The PCP has the potential to impact positively on the current and future needs of our residents, in particular children, young people and their parents and carers. It has the potential to be a key driver in delivering improved life chances for the most disadvantaged communities through regeneration, enhanced service provision and removing the barriers to achievement.

## **BASIS OF SCHEME PROPOSALS**

- 29 Schemes are included on the basis of conventional procurement using appointed architects and approved contractors. In each case they will be subject to agreement with the school governing body concerned, and to planning permission where relevant. It may be that better value for money for some projects can be obtained through an extension of the Local Education Partnership, and this would be reported in due course.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Finance Director**

- 30 As set out above, at this stage, the proposals set out in this report for the redevelopment of Cherry Garden Special School and Gloucester Primary School can be contained within the existing Primary Capital Programme allocation of £14m agreed for the Cherry Garden scheme alone by Executive in March 2009. Further updates on the projected costs of these schemes will be presented to future meetings of Executive.

### **Strategic Director of Community Law & Governance**

- 31 Members of the Executive have been asked to agree proposals to increase the size of Cherry Garden School and to relocate it to the current site of Gloucester Primary School. As a consequence of the relocation, it is proposed that Gloucester School will reduce the number of children admitted, whilst maintaining the current number of nursery places.
- 32 It is also proposed that the refurbishment of Gloucester Primary school be brought forward into the current Primary Capital Programme (PCP) given that the budget allocation in the PCP for Cherry Garden can be reduced.
- 33 Further, given the pressures on primary school places, as outlined within the body of the document, it is proposed that any released resources should be reallocated to the schemes for additional primary places within the PCP.

### Legislative background

- 34 The Education and Inspections Act 2006 (EIA) gives Local Authorities the responsibility for determining school reorganisation proposals in the first instance. Notwithstanding this fact the EIA requires the Local Authority to consider and respond to parental representations when carrying out the planning process. The Local Authority has a duty to ensure that it has sufficient primary provision and suitable Special Educational Needs provision in their area to meet the needs of the children in general, but specifically to those who may be displaced by the proposed changes.
- 35 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) (hereafter 'The Regulations') will need to be taken into consideration when the process moves towards formal consultation.
- 36 In the case of Gloucester School, the Executive is advised that it would not be necessary to publish the proposals as the plan is to reduce the number of pupils.

- 37 The Executive is advised to give early consideration to the DCSF guidance on “Making Changes to a Maintained Mainstream School”. This guidance is both statutory and non statutory and relates to the proposals for making changes to school provision. Regulation 8 provides that the Local Authority is required to have regard to guidance issued by the Secretary of State when they take a decision on proposals.
- 38 The Regulations require that where there is the intention to increase the size of the school by more than 10%, the Executive is advised that the proposals must be published in accordance with The Regulations Schedule 4 Part 2.
- 39 When considering the proposals outlined within the body of the document, the Executive should have regard to the Local Authority’s general duties under the following legislation and ensure that the proposals are consistent so as to meet those duties. In particular, Section 14 of the Education Act 1996 states that the council should consider whether it has sufficient schools, in number and character, to secure the education of all children in the borough.
- The Executive should have regard to the general welfare principles of the Children Act 1989
  - The statutory duty to comply with the Disability Discrimination Act 1995 (as amended)
  - The Children Act 2004 and the Local Authority’s duty to promote wellbeing for the children in the borough and to work with other local partners, including Strategic Health Authorities and Primary Care Trusts.
  - The establishment of the resources proposed should be demonstrably able to meet the Special Educational Needs (SEN) of the pupils as set out in the SEN Code of Practice 2001 paragraph 7.52. This relates to the need for the Local Authority to make provisions to meet the needs of the wide spectrum of educational needs.

#### Matters to consider prior to the Consultation period

- 40 The Executive should have regard to the guidance issued by the Secretary of State entitled “Planning and Developing Special Educational Provision”.
- 41 This Guidance requires that when proposals are developed for reorganising or altering SEN provision, the Local Authority will need to show how they will improve on current arrangements. Any proposals for SEN reorganisation should fit within the strategic framework set by the Local Authority for meeting the full range of special educational needs.
- 42 The LA, as the proposer must ensure a five-stage process is followed. The first stage is the initial consultation followed by a further four stages, which are - publication of the statutory proposals by the LA; consideration by the LA of representations from all interested parties, a decision-making process and, if approved, the implementation of the proposals.

**REASON FOR URGENCY**

- 43 The report is urgent because of the need for it to be considered on the same agenda as a report from the Head of Property recommending the disposal of Peckham site 7d (see paragraph 15 above). The proposal for the use of the Gloucester site for Cherry Garden makes it possible to release site 7d.

**REASON FOR LATENESS**

- 44 The proposal for the co-location could not be put forward until there was certainty from the feasibility study, and from preliminary discussions with stakeholders, that it could be recommended as a basis for consultation.

**BACKGROUND DOCUMENTS**

| Background Papers   | Held At                                       | Contact       |
|---|---|---------------|
| December 2007:DCFS guidance document: Primary Strategy for Change | DCFS public website:<br>www.teachernet.gov.uk |               |
| Report (17/3/09) approving Primary Capital Programme              | Children's Services ,<br>Tooley Street        | Martin Wilcox |

**AUDIT TRAIL**

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Terry Parkin, Deputy Director of Children's Services  |                          |
| <b>Report Author</b>  | Iain Johncock, Strategy Manager , Children's Services |                          |
| <b>Version</b>  | Final   |                          |
| <b>Dated</b>  | 22 September 2009                                     |                          |
| <b>Key Decision?</b>  | Yes   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>       |   |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                                | <b>Comments included</b> |
| Strategic Director of Communities, Law & Governance                             | Yes   | Yes                      |
| Finance Director  | Yes   | Yes                      |
| <b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b> |   | 24 September 2009        |



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|  |        | <b>Dated:</b> 18/08/09                           |           |