

Item No. 12.	Classification: Open	Date: 11 December 2012	Meeting Name: Cabinet
Report title:		Cherry Garden School increase in size - Report back on statutory notice consultation	
Ward(s) or groups affected:		Borough wide	
Cabinet Member:		Councillor Dora Dixon-Fyle, Children's Services	

FOREWORD – COUNCILLOR DORA DIXON-FYLE, CABINET MEMBER FOR CHILDREN'S SERVICES

This report details the outcome of the statutory consultation on the proposed enlargement of Cherry Garden primary special school from 1 September 2015. The enlargement of the school from 46 to 66 places will enable more pupils with profound and multiple and severe learning difficulties to be educated in a much improved environment as the school will also be moving to a new building.

The appropriate consultation has been carried out with all the local stakeholders, including the parents of the children at the school. Comments were received as a result of the initial consultation and these were addressed before the statutory notice was published. No representations have been subsequently received. The report recommends that Cabinet agree the enlargement of the school. I commend this report to Cabinet.

RECOMMENDATION

1. That the Cabinet agrees the permanent enlargement of Cherry Garden Primary Special School from 46 to 66 places from 1 September 2015.

BACKGROUND INFORMATION

2. The Cabinet Member for Children's Services agreed on 27 July 2012 to the publication of the statutory notice on the proposal to increase Cherry Garden School in size from 46 to 66 places from 1 September 2015 following a consultation process.
3. The statutory notice has been published as required. This report also summarises the outcomes of the earlier consultation process on this proposal.
4. It is now proposed that Cherry Garden formally expands from 1 September 2015.

KEY ISSUES FOR CONSIDERATION

5. 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 to develop the new Cherry Garden School on the Gloucester primary school 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

6. There was an initial consultation process on the proposed enlargement of Cherry Garden School from 15 March to 20 April 2012. 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.
7. The outcome of the initial consultation is summarised in Appendix 1.

Statutory notice

8. The attached statutory notice was published to the community as required by displaying it on the school's gates, in the local library and in the local press on Thursday 13 September, allowing a 6 week period for representations on the proposals. No representations have been received.

Community impact statement

9. 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.
10. The Special Education Needs (SEN) Improvement test which is attached as Appendix 3 shows that there will be improvements to SEN in the borough as a result of enlarging Cherry Garden school because the new school building will offer improved facilities to meet the needs of pupils with profound and multiple and severe learning difficulties, in a more central location, enabling a shorter travel time for most students, which is beneficial in health and educational terms.
11. The Equalities Impact Assessment, which is attached as Appendix 4, assesses relevant considerations for this proposal in the context of an enlarged school which will offer improved facilities for severely disabled children.

Resource implications

12. The estimated capital cost of the works of £13 million which are included in the 2012/13 Capital Refresh.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

13. Cabinet is enabled to agree the recommendation under Part 3C of the Council's Constitution, and the Director of Legal Services (acting through the Senior Education Lawyer) advises the Cabinet to approve the proposal set out in the recommendation.
14. The legal basis for the recommendation is found in the 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 has a statutory duty under s.14

Education Act 1996 to ensure there is suitable special educational needs provision available in Southwark.

15. Cabinet is advised that the expansion of Cherry Garden school is a prescribed alteration within the meaning of Schedule 4, Part 2 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 because the increase from 46 to 66 pupils is over a 10% increase of the original Planned Admission Number. Appropriate consultative processes have been conducted and a statutory notice has been published in accordance with regulations. As background, there is no requirement to publish statutory notices in respect of Gloucester Primary School as the proposed relocation is not a prescribed alteration.
16. In consideration of the decision, Cabinet must have regard to Stage 4 of the decision makers statutory guidance “Expanding a Maintained Mainstream School by Enlargement of Adding a Sixth Form” dated 1 February 2010. The guidance clearly sets out all the factors which must be taken into account before a decision is reached and the record of the Cabinet decision must reflect this consideration.
17. Due to Cherry Garden’s designation as a special school, Cabinet is also required to note the outcomes of the Special Educational Needs Improvement Test at Appendix 3 in making this recommendation and as required in paragraph 4.68-4.72 of the statutory guidance.
18. Cabinet is also advised to consider the outcome of the Equality Impact Assessment attached to this report in Appendix 4 before accepting the recommendation.

Strategic Director of Finance and Corporate Services

19. The Strategic Director of Finance and Corporate Services notes the recommendation in this report. The publication of the statutory notice will then lead to works to deliver the permanent enlargement of the school. The expansion of Cherry Garden School is to be let in a combined, along with the contract for works to Gloucester Primary School. The total contract value is £13m with an approximate value of Cherry Garden school of £9m.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
DfE Regulations and Guidelines http://www.education.gov.uk/schools/leadership/schoolorganisation/a0075166/other-changes-to-a-school-and-expansions	Available on-line	Martin Wilcox 020 7525 5018

APPENDICES

No.	Title
Appendix 1	Outcome of the initial consultation process
Appendix 2	Statutory notice
Appendix 3	Responding to the DfE SEN Improvement Test
Appendix 4	Equality Impact Assessment

AUDIT TRAIL

Lead Officer	Romi Bowen, Strategic Director of Children's and Adults Services	
Report Author	Martin Wilcox, Education Planning Officer	
Version	Final	
Dated	29 November 2012	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	29 November 2012	