
Chief Officer Key Decision

Date: 6 June 2018

Subject: Expansion of Cricket Green School – to approve the proposals for a prescribed alteration to expand the school

Lead officer: Jane McSherry, Assistant Director for Education

Lead member: Councillor Caroline Cooper-Marbiah

Contact officer: Tom Procter, Head of Contracts and School Organisation

Recommendations:

- A. To approve the proposals for a prescribed alteration to Cricket Green School to lower the age range of the school from 4-19 years old to 3-19 years old and to increase the total pupil capacity from 199 to 260 places, with the 260 places comprising of 8 Full time Equivalent places nursery, 70 primary age pupil places, 150 secondary age pupil places and 32 post-16 pupil places
 - B. That the above is conditional on the capital scheme being granted planning permission by 31 December 2018.
 - C. That the reason for this decision is to provide places for pupils with special educational needs and disabilities (SEND) in the local area and the expansion of Cricket Green School provides good value for money. Cricket Green is rated by Ofsted as “Outstanding” and the council’s Head of Education is satisfied that the leadership of the school has the management capacity to continue to raise standards while the school expands.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Cricket Green School is a special school for children with additional complex and varied needs.
- 1.2 Demand for SEND places has increased and is forecasted to continue to increase into the next decade. To accommodate some of the anticipated increase, the Council published a statutory proposal to expand Cricket Green School from 1 September 2019 including the provision of a nursery.
- 1.2 The statutory notice period expired on 28 March 2018 and it is now for the council to decide whether to agree to the significant enlargement and change in age range of Cricket Green School. As statutory decision maker, the council must also state the reason for the decision.
- 1.3 Over £5 million is approved in the council’s Capital Programme for the refurbishment and extension of Cricket Green School to enable the school to increase the capacity of the school from 199 to 260 places.

2 DETAILS

- 2.1. The London Borough of Merton has a legal obligation to provide sufficient school places for its area. There is a significant increase in demand for mainstream school places in Merton which is now reaching secondary school age, and this increase is proportionally greater for children with Special Educational Needs and Disabilities. The council area has experienced a significant increase in the number of statements/EHCP (Education and Health Care Plans) over the past five years, and in particular children with ASD (Autistic Spectrum Disorder), MLD (Moderate Learning Difficulty) and SLCN (Speech, Language and Communications Needs). The table in appendix 1 shows this increase up to 2017.
- 2.2. Cricket Green School is now full in most year groups and SEND case officers have not been able to place all Merton children at the school for whom Cricket Green School would be the most suitable placement. There is also an identified need to assess nursery children with SEN early to ensure appropriate school pathways.
- 2.3. The overall objective is to provide sufficient good quality local school places for children with SEND. Cricket Green School is rated “Outstanding” by Ofsted and has received this judgement in three consecutive Ofsted inspections - in 2010, 2013 and 2017.
- 2.4. The school provides value for money in being considerably less expensive to provide education than non-maintained or independent special school provision and so meets the objective to provide suitable, high quality places to meet the growing number of SEND children.
- 2.5. The proposed expansion will be enabled by a physical extension to the school through a new two storey building to the rear of the site and other changes to ensure the school is fit for purpose with the following objectives:
 - Additional 61 places, mostly for secondary but also including providing an assessment nursery and ensuring one extra class in primary
 - Replacing a life expired mobile unit currently housing 3 classrooms
 - A design that externally links the flow of buildings, makes best use of external space, and allows children to move safely around the site.
 - Sufficient ancillary space including enlarged hall and office space to reflect the school will have doubled in size from 130 to 260 pupils over the past 10 years
- 2.6. The process of school expansion is subject to a statutory procedure and statutory guidance, which is outlined in the consultation and legal implications section of this report.

3 ALTERNATIVE OPTIONS

- 3.1. The council has a statutory duty to provide sufficient school places including for children with SEND so, given the increase in demand, there is no alternative but to provide or commission more special school places. To this

end, the council needs to meet the further increase in special school places for children with ASD and MLD.

- 3.2. The alternatives to the expansion of Cricket Green School are to either commission or facilitate a new state- funded school (which should be an Academy or Free School) or rely on commissioning more places from the independent sector.
- 3.3. The council has already needed to commission more places in the independent sector in recent years and it costs considerably more in placement and transport costs, and requires children to travel away from the local area. With regard to a new school, the site searches for primary and secondary school shows there are no easy site options, and expanding an existing Outstanding school provides good value for money with an Outstanding provider. It is also much quicker to deliver to ensure that the benefits can be received more quickly.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.4 To comply with the statutory requirements a statutory notice was published on 1 March 2018 in the local newspaper and on the council's website. Key stakeholders were also informed including neighbouring councils, health commissioners, the school governors and all parents of children at the school. As required in the regulations, four weeks were provided for any person to object to or make comments on the proposal. A public meeting was held on 12 March 2018.

Responses to the consultation

- 4.5 A detailed summary of the consultation responses and notes of the public meeting is provided as appendix 2 to this report.
- 4.6 The two headteachers and neighbouring Local Authority that responded fully supported the proposals. The council received four responses from parents; one of these was signed by 15 parents. The public meeting was attended by approximately 12 parents and governors and two pupils, with presentations by the Headteacher of Cricket Green School and the council.
- 4.7 The consultation demonstrated no objection to the principle of expanding Cricket Green School, but concerns were raised on a number of details as follows:
 - I. Concerns regarding a reduction in open space due to the additional buildings and children, and a request to increase the grounds (partly into council owned land "Worsfold House" at the rear)
 - II. Concerns regarding the future development of Worsfold House land and to request its access road is widened
 - III. Concerns about traffic and parking with a request for a more detailed breakdown of suggested parking arrangements
 - IV. Concerns regarding the impact of the increase in numbers on health/therapy professionals (Occupational therapist, speech and language therapist, physiotherapist, CAMHS, school nurse, pay therapist), with reassurance requested that access to these vital

services will not be affected and staffing levels will increase to meet demand

4.8 The response of officers to these concerns are as follows:

I. Reduction in open space

The reduction in open space has been limited as the capital scheme includes the removal of a single storey life expired modular building, and most of the new build is two-storey. Some space has been taken from Worsfold House to provide a more coherent site area for Cricket Green School with the new building, but the council does need to balance the use and value of its land. However, in response to this and the planning application consultation, the landscape design is being enhanced to ensure that the use of the spaces is well designed and considered for the children and staff. The school leadership team and council officers are satisfied that suitable outdoor space will be provided for the pupils.

II. Future development of Worsfold House land/access road

4.9 This is not a matter for this expansion but is noted for any future proposals the council may have for this land

III. Concerns about traffic and parking with a request for a more detailed breakdown of suggested parking arrangement

4.10 The landscape design has been developed to include a mini bus turning area, and there is an improvement in relation to pupil safety and vehicles as there will be a secure fence separating all vehicles from pupils.

IV. Concerns regarding the impact of the increase in numbers on health/therapy professionals

4.11 Resources from health/therapy professionals are based on child numbers and need rather than on a per school basis. However, the council and school are committed to monitoring this to ensure that, as the school grows, there isn't a related reduction in support.

4.12 *Overall conclusion following consultation responses*

4.13 Following the consultation, and taking into account the above, officers' views remain that the expansion of Cricket Green School should proceed to provide SEND local school places that are value for money.

5 TIMETABLE

5.1. A planning application for the expansion capital works at Cricket Green School was submitted earlier this year and is due to be considered by the council's Planning Applications Committee before the end of June 2018.

Subject to approval of this report and the planning application it is aimed that a contract decision on the building works will be made in July 2018 so that works can commence in the school summer holidays, with the main phase of the works completed for September 2019 for additional pupils.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Capital

- 6.1. The Capital Programme 2018-20 includes over £5 million to fund the expansion of Cricket Green School which, based on a Quantity Surveyor's estimate of the detailed design, is sufficient to fund the required capital works.

Revenue

- 6.2. The additional pupils will need to be funded from the Dedicated Schools grant. However, this growth is significantly less as a result of the school expansion than the alternative of commissioning places in independent schools.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools are available for its area to provide the opportunity of appropriate education for all pupils. It must exercise this function with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice. In exercising this function the council must have regard to the need for securing that special educational provision is made for pupils who have special educational needs.
- 7.2. The permanent expansion of a maintained special school to increase the number of pupils by 10% or more than 20 pupils and a change of age range of 1 year or more are prescribed alterations for which statutory proposals must be published and approved under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 7.3. The Regulations require that a summary notice of proposals is published in a local paper and on the council's website. Details of the proposals must be published on the council's website and copies provided on request. Copies of the proposals must be sent to the governing body of the school and parents of pupils. Comments on or objections to the proposals can be made within a 4 week period from publication of proposals.
- 7.4. The council is the decision maker for proposals. Approval can be conditional subject to certain events specified in the Regulations, including for instance the grant of planning permission.
- 7.5. The council must give reasons for its decision. The decision and the reasons behind it must be published on the council's website and the LA must also notify the school governors, local CE and RC dioceses, parents of pupils at the school and any other body considered appropriate. The local Church of England diocese and the local Roman Catholic diocese have the right to appeal to the Schools Adjudicator against the decision within four weeks of the decision being made.
- 7.6. The council has a duty to implement approved proposals. The DfE register (EduBase) must be updated when proposals have been implemented.
- 7.7. In deciding whether or not to approve proposals, the council should have regard to the statutory guidance, and "Statutory guidance for decision-

makers deciding prescribed alteration and establishment and discontinuance proposals April 2016”.

- 7.8. The council as decision-maker must be satisfied that appropriate consultation and the representation period required by the Regulations has been undertaken and must consider all view submitted on the proposal
- 7.9. In planning and commissioning SEND 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;
 - take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
 - 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; 13
 - 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;
 - 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;
 - 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;
 - 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.
- 7.10. The Guidance advises that, when considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs and disabilities (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.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 The expansion of Cricket Green School will contribute to the Authority providing access to a local SEND school place for all its residents who want one. The proposal will assist the aim of ensuring that children with special educational needs will be able to attend suitable local school provision.

9.0 CRIME AND DISORDER IMPLICATIONS

9.1 There are no specific crime and disorder implications

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 The project is being managed under project management methodology and a risk log is held and reviewed at project board meetings. Of the main risks highlighted in this decision paper, the financial risk continues to be managed carefully. However a capital scheme will always carry some risk of not meeting the budget.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix 1 – Copy of published notice and prescribed information

Appendix 2 – Summary of consultation responses

Appendix 3 – Guidance for decision makers

12 BACKGROUND PAPERS

12.1 None