

Committee: Cabinet	Date: 4 August 2010	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Corporate Director Children's Services Originating officer(s) Pat Watson, Head of Building Development		Title: Wellington Primary School and Phoenix Special School – Decisions on statutory proposals Wards Affected: Mile End East, Bow West		

Lead Member	Lead Member for Children, Schools & Families
Community Plan Theme	A Prosperous Community
Strategic Priority	Priority 3.1: Support lifelong learning opportunities for all

1. SUMMARY

- 1.1 This report informs the Cabinet of the outcome of the statutory consultation on proposals to expand Wellington Primary School and to add a sixth form to Phoenix School and recommends that the proposals for both schools should be implemented.

2. DECISIONS REQUIRED

Cabinet is recommended to:-

- 2.1 Note the contents of this report, including the published statutory proposals for Wellington School at Appendix A and for Phoenix School at Appendix B;
- 2.2 Note the statutory requirements for the school organisation decision-making process and the considerations to be taken into account in making any decision (paragraphs 6 and 7);
- 2.3 Approve the proposals as published (attached as Appendix A) for the expansion of Wellington Primary School from 1 September 2011;
- 2.4 Approve the proposals as published (attached as Appendix B) for the addition of a sixth form at Phoenix School from 1 September 2010.

3. REASONS FOR THE DECISIONS

- 3.1 Cabinet received reports on 7 April 2010 on the initial consultations on proposals for both schools and agreed the recommendation to publish statutory proposals for both schools. The school organisation decision making requirements (below paragraph 6) are that following the statutory consultation period, a formal decision has to be made on whether to implement the proposals. This report now recommends that the proposals are implemented.

4. ALTERNATIVE OPTIONS

- 4.1 The reports to Cabinet on 7 April stated that the proposals in both cases are required to meet the needs of local young people. In view of the rising local population, the LA is considering various options for expanding primary schools and, to be implemented, this consultation and decision-making process is required in each case.

5. BACKGROUND

- 5.1 On 7 April Cabinet received reports on the background to the proposals to expand Wellington Primary School and add a sixth form to Phoenix School. This included the reasons for the proposals and the response to the initial consultations. Cabinet agreed that statutory proposals should be published to increase Wellington School by 0.5 FE (form of entry, i.e. from 315 pupils to 420 pupils) with effect from 1 September 2011, and to add a sixth form to Phoenix School with effect from 1 September 2010.
- 5.2 The proposals were published in East End Life on 17 May 2010 for the four week statutory period. In that four week period any individual can make a comment on the proposals. No comments were received during the statutory consultation period.
- 5.3 Following the statutory consultation period the Local Authority takes the decision on whether to implement the proposals. This report recommends Cabinet approves the proposals for implementation.
- 5.4 Cabinet received detailed reports on 7 April with the background to the proposals, including the need for the additional places, the proposals for the buildings, why Wellington School was selected as a suitable site for expansion and the positive response to the initial consultation in both cases. These matters were all taken into account in the decisions taken to publish the statutory proposals.
- 5.5 The text of the published notices are included as Appendices A and B. The notices were published in accordance with the regulations.

6. SCHOOL ORGANISATION PROPOSALS – DECISION-MAKING

- 6.1 The Education & Inspections Act 2006 requires that for proposals in the category of expanding a primary school and changing the age range to add a sixth form, the Local Authority makes the decision on the proposals after the statutory consultation period.

The Schools Adjudicator

- 6.2 The schools adjudicator is an independent person appointed by the DfE (Department for Education). If a Local Authority fails to make a decision within 2 months of the end of the statutory consultation period, the matter has to be passed to the schools adjudicator.
- 6.3 There is a right of appeal in some circumstances to the schools adjudicator. For the current proposals, there is a right of appeal against the local authority's decision for the local Church of England and Roman Catholic dioceses, and the governing body of the schools in question. Appeals against the local authority's decision must be submitted to the local authority within four weeks of the decision being taken.

7. FACTORS TO BE CONSIDERED IN MAKING A DECISION ON PROPOSALS

- 7.1 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 provides statutory guidance which the local authority and schools adjudicator are required to have regard to in making decisions on statutory proposals. The following paragraphs set out the relevant matters for the present cases to enable the Cabinet to take them into consideration in reaching a decision. Each aspect is covered below first for Wellington School and then for Phoenix School.

WELLINGTON SCHOOL

Effect on Standards and School Improvement

- 7.2 The 2006 Act places duties on local authorities to secure diversity of provision and to respond to representations from parents about the provision of schools. On making a decision on expansion proposals, the LA should be satisfied that they will contribute to raising standards, will contribute to the diversity of provision, the delivery of the Every Child Matters (ECM) principles and equal opportunities.

Wellington School Proposals

- 7.3 The Wellington proposals have been put forward specifically to respond to the need for additional school places (see below), rather than in response to any parental representations. However, as included in the report to Cabinet in April, Wellington School has been selected not only because of the site's physical capacity to be expanded, but also because of the management strengths of the school and its capacity to accommodate the increased roll. The school is providing some extended school services. No specific equal opportunity issues arise from these proposals. The admissions criteria for the school remain unchanged and providing the additional places will ensure that the need for places is met.

Conclusion

- 7.4 The proposals will contribute to raising standards, help every local child to achieve their potential in accordance with the ECM principles, and ensure there is equality of opportunity by providing sufficient school places.

The Need for Places Travel and Accessibility for All

- 7.5 In considering the proposals, Cabinet should be satisfied of the need for additional school places. Consideration should also be given to the need to ensure that children do not have to make unreasonable journeys to school.

Wellington School Proposals

- 7.6 The report to Cabinet on 7 April set out the need for additional primary school places to meet the needs of the rising school age population. Cabinet accepted this information to support the publication of proposals. By providing additional school places in the E3 area, we reduce the likelihood of children from this area travelling longer distances to school.

Conclusion

- 7.7 The proposals meet the needs of the rising local population. The school is accessible for local children and the additional places will reduce travel distance for children in this area who cannot now obtain a place locally.

Capital Funding

- 7.8 In considering the proposals, Cabinet should be satisfied that capital funding for implementation is available.

Wellington School Proposals

- 7.9 On 7 July 2010 Cabinet agreed to adopt a revised capital estimate of £3.051m for the expansion of the school. This funding is provided from within the allocation from the DfE for the provision of additional school places. Planning approval for the scheme was received on 5 May 2010.

Conclusion

- 7.10 Capital funding has been identified to implement the proposals.

SEN Provision

- 7.11 The guidance in the Regulations referred to in paragraph 7.1 gives particular guidance to considerations relating to SEN provision, especially the impact of any reorganisation proposals on provision.

Wellington School Proposals

- 7.12 There are no specific implications for SEN provision in the expansion proposals. There are no proposals to change any SEN provision. The school is an inclusive school and will continue to be so as a larger school. The building proposals to implement the expansion include improvements to the physical accessibility of the building.

Conclusion

- 7.13 There are no implications for specific SEN provision.

Views of Interested Parties

- 7.14 The guidance requires consideration of the views of interested parties, including any comments submitted during the four week period.

Wellington School Proposals

- 7.15 The report to Cabinet in April set out the responses that had been received to the initial consultation on the expansion proposals. These were positive. No further comments or representations have been received during the four week period following publication of the statutory proposals.

Conclusion

- 7.16 Views of interested parties received in the initial consultation showed that the members of the school community (parents, governors and staff) were in favour of the expansion.

PHOENIX SCHOOL

Effect on Standards and School Improvement

- 7.17 The 2006 Act places duties on local authorities to secure diversity of provision and to respond to representations from parents about the provision of schools. On making a decision on proposals to change the age range of a school, the LA should be satisfied that they will contribute to raising standards, will contribute to the diversity of provision, the delivery of the Every Child Matters (ECM) principles and equal opportunities.

Phoenix School Proposals

- 7.18 The Phoenix proposals have been put forward specifically to respond to the need for sufficient and appropriate school places for post 16 students with SEN, rather than in response to any parental representations. Phoenix School has been selected for this proposal because of the school's strengths and the suitability of adding sixth form education to meet the needs of local young people.

Conclusion

- 7.19 The proposals will contribute to the provision of appropriate places and help every local child to achieve their potential in accordance with the ECM principles, and ensure there is equality of opportunity by providing sufficient school places across the age range.

The Need for Places

Travel and Accessibility for All

- 7.20 In considering the proposals, Cabinet should be satisfied of the need for the additional school places. Consideration should also be given to the need to ensure that children do not have to make unreasonable journeys to school.

Phoenix School Proposals

- 7.21 The report to Cabinet on 7 April set out the need for the sixth form places to meet the needs of students with SEN. Cabinet accepted this information to support the publication of proposals.

Conclusion

- 7.22 The proposals meet the needs of the local population. The majority of students travel to school by vehicle and the management of the additional journeys and vehicles has been taken into account by the school. Where appropriate for individual students, they are offered the opportunity to undertake independent travel training.

Capital Funding

- 7.23 In considering the proposals, Cabinet should be satisfied that capital funding for implementation is available.

Phoenix School Proposals

- 7.24 As reported to Cabinet on 7 April, it is anticipated that permanent accommodation for the sixth form will be included in the school's BSF (Building Schools for the Future) programme planned for implementation within the next 2 years. Temporary accommodation has been provided in the interim to allow the first year of sixth form students to be admitted in September 2010.

Conclusion

- 7.25 Capital funding has been identified to implement the proposals.

SEN Provision

- 7.26 The guidance in the Regulations referred to in paragraph 7.1 gives particular guidance to considerations relating to SEN provision, especially the impact of any reorganisation proposals on provision.

Phoenix School Proposals

- 7.27 The proposals have been developed in order to respond to the needs of a specific group of students. There is national and local growth in the numbers of young people with ASD (autistic spectrum disorders) and the commitment to provide full participation and preparation for adult independence, mean that post 16 opportunities for this group are in need of development

Conclusion

- 7.28 The proposals support the provision of suitable education for post 16 students with SEN.

Views of Interested Parties

- 7.29 The guidance requires consideration of the views of interested parties, including any comments submitted during the four week period.

Phoenix School Proposals

- 7.30 The report to Cabinet in April set out the responses that had been received to the initial consultation on the proposals. These were positive. No further comments or representations have been received during the four week period following publication of the statutory proposals.

Conclusion

- 7.31 Views of interested parties received in the initial consultation showed that the school community (parents, governors and staff) were in favour of the expansion.

8. CONCLUSION AND RECOMMENDATION

- 8.1 After consideration of the relevant matters on these proposals, Cabinet can:
- i. reject the proposals;
 - ii. approve the proposals;
 - iii. approve the proposals with modification (eg. an amendment to the effective date); or,
 - iv. approve the proposals subject to a specific condition (eg. securing funding, obtaining planning permission).
- 8.2 Paragraph 7 sets out all the relevant matters to be taken into consideration in reaching a decision on the proposals for the expansion of Wellington School and the addition of a sixth form at Phoenix School. The consultation processes and publication of statutory proposals have been carried out in accordance with the requirements. After consideration of these matters, Cabinet is recommended to agree that proposals should be approved as published and implemented for both schools.

9. FURTHER ACTION

- 9.1 Subject to the recommendations of this report being agreed, officers will complete the requirements of formal notification of the decision to DfE and other relevant parties. Planning permission has been received for both the schemes to expand the schools.
- 9.2 For Wellington School the works will start on site in summer 2010 and the expansion will be implemented with effect from 1 September 2011 by increasing the number of children admitted to reception year only until all year groups have reached 2 forms of entry. The published information for admissions to the school will show that 60 places are available.
- 9.3 At Phoenix, the additional accommodation has been made available on a temporary basis to allow the first group of additional pupils to enter the sixth form in September 2010. Permanent accommodation will be included as part of the school's BSF programme.

10. COMMENTS OF THE CHIEF FINANCIAL OFFICER

Capital funding

- 10.1 As indicated above in paragraph 7.9, provision of £3.051m has been made for the Wellington School expansion project from within the available capital funding allocation, as follows;

Supported borrowing	£2.891m
School Contributions	£0.160m
TOTAL	£3.051m

Provision is available within corporate revenue budgets for capital financing costs of borrowing.

- 10.2 Funding for the Phoenix expansion is to be met from the BSF project for the school as capital grant from the Government (£7m)

Revenue funding

- 10.3 The schools' revenue budgets will be increased to reflect the increased size of the building and the rise in pupil numbers. This funding is within the Dedicated Schools Grant which reflects increases in the total roll in the Borough.

11. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 11.1 Cabinet is being asked to formally approve two projects. The first is for an increase in school places at Wellington Primary School by 0.5 FE from 315 pupils to 420 pupils. The second is to establish a sixth form at Phoenix School. Both matters were previously considered by Cabinet in April 2010 when Cabinet authorised formal consultation on the proposals. No comments were received during the formal consultation process.
- 11.2 The Education and Inspections Act 2006 provides that decisions on school organisation proposals, including expansions, are taken by the Local Authority or by the School's Adjudicator. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 ("the Regulations") make detailed provision for the consideration of prescribed alterations. Decisions in the category of Wellington Primary School expansion and Phoenix School addition of a sixth form are to be taken by the LA with some rights of appeal to the schools adjudicator (set out at section 4 of the report).
- 11.3 In addition statutory guidance has been issued in line with the regulations which detail the considerations the LA must follow in making decisions on

statutory proposals, and these considerations are listed in section 7 of the report.

- 11.4 The statutory consultation period ended on 13 June. The LA must make its decision on the proposals within 2 months of the end of the statutory consultation period or the matter must be passed to the School's Adjudicator, together with any received representations. In considering the respective factors and merits of the statutory proposals the Authority should satisfy itself that the published statutory notice is valid and complies with the requirements set out in the regulations and that the statutory consultation has been carried out prior to the publication of the notice as set out in the body of the report.

12. ONE TOWER HAMLETS IMPLICATIONS

- 12.1 The Local Authority has a key role in planning service provision to ensure there are sufficient school places to meet local need. The proposal to expand a primary school is part of this planning process to ensure access to education. The proposal for sixth form provision for post-16 students with SEN ensures appropriate provision for them is available within the borough. The works to Wellington School will include provision of a lift and improved accessibility.
- 12.2 Strategies to raise educational attainment, including ensuring sufficient school places, support students in a successful period of statutory education and then moving into employment.

13. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 13.1 The design of the expanded building and materials proposed to be used have taken account of sustainability and energy efficiency. Cladding products have been chosen that offer significant energy saving values; insulation products that have an approved environmental profile; and timber from certified sustainable sources.
- 13.2 The aim will be to ensure the buildings are sustainable in operation and raw energy usage, waste and effect on the environment. The design must comply with Building Regulations, Part L which has strict guidelines in respect of carbon emission levels and energy efficiency.

14. RISK MANAGEMENT IMPLICATIONS

- 14.1 The project at Wellington School has a high capital value and close monitoring of the project through its preparatory stages is in place and will continue through implementation stages with appropriate, experienced project management resources. If the proposals do not proceed, there will be a risk to be managed that some children will be without a school place local to their home.

15. CRIME AND DISORDER REDUCTION IMPLICATIONS

15.1 There are no specific implications arising.

16. EFFICIENCY STATEMENT

16.1 The Council is using its assets efficiently by seeking to extend and expand existing school sites to meet the needs of the rising school age population before acquiring land to build a new school.

APPENDICES

Appendix A – Published notice of statutory proposals for Wellington School

Appendix B – Published notice of statutory proposals for Phoenix School

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers”	Name and telephone number of holder and address where open to inspection.
n/a	n/a

**THE LONDON BOROUGH OF TOWER HAMLETS
PUBLIC NOTICE OF PROPOSALS**

PROPOSED EXPANSION OF WELLINGTON PRIMARY SCHOOL

Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 that London Borough of Tower Hamlets intends to make a prescribed alteration to Wellington Primary School, Wellington Way, London E3 4NE from 1 September 2011. Wellington School is a community school.

The proposal is for the enlargement of the school premises to increase the admission number from 45 to 60. The existing nursery class places are not proposed to be increased.

The current capacity of the school is 315 and the proposed capacity will be 420. The current number of pupils registered at the school is 310 (in January 2009, excluding the nursery class pupils). The proposed admission number for the school will be 60. The additional pupils will be admitted to reception year only until all year groups have reached the increased number.

A complete copy of the proposal can be obtained by contacting Pat Watson (tel: 020 7364 4328) or pat.watson@towerhamlets.gov.uk

Within four weeks from the date of publication of these proposals (by 13 June 2010), any person may object to or make comments on the proposal by sending them to Acting Corporate Director, Children, Schools & Families, London Borough of Tower Hamlets, Town Hall, Mulberry Place, London E14 2BG, attn: Pat Watson.

Signed

ISOBEL CATTERMOLE
ACTING CORPORATE DIRECTOR, CHILDREN, SCHOOLS &
FAMILIES

Dated 17 May 2010

**THE LONDON BOROUGH OF TOWER HAMLETS
PUBLIC NOTICE OF PROPOSALS**

PROPOSED ADDITION OF A SIXTH FORM TO PHOENIX SCHOOL

Notice is given in accordance with section 19 (1) of the Education and Inspections Act 2006 that London Borough of Tower Hamlets intends to make a prescribed alteration to Phoenix School, 49 Bow Road, London E3 2AD from 1 September 2010. Phoenix School is a community special school.

The proposal is for the enlargement of the school to allow admission of up to 27 students for sixth form education.

The current capacity of the school is 103 for students aged 3 -16. The current number of pupils registered at the school is 103 (in January 2009). The additional pupils will be admitted to year 12.

A complete copy of the proposal can be obtained by contacting Pat Watson (tel: 020 7364 4328) or pat.watson@towerhamlets.gov.uk

Within four weeks from the date of publication of these proposals (by 13 June 2010), any person may object to or make comments on the proposal by sending them to Acting Corporate Director, Children, Schools & Families, London Borough of Tower Hamlets, Town Hall, Mulberry Place, London E14 2BG, attn: Pat Watson.

Signed

ISOBEL CATTERMOLE
ACTING CORPORATE DIRECTOR, CHILDREN, SCHOOLS &
FAMILIES

Dated 17 May 2010