

TRAFFORD COUNCIL

Report to: Executive
Date: 16th March 2015
Report for: Decision
Report of: Executive Member for Children's Services

Report Title

RELOCATION OF BRENTWOOD SPECIAL SCHOOL – FINAL APPROVAL

Summary

The Council has a statutory duty to provide sufficient school places in its area. This includes provision for special school places. To support the achievement of this duty, and to meet any risks in relation to school conditions and access, we have received allocated capital funding of £18.85 million for the two years up to 2015.

The SEN Review March 2013 highlighted the growth in overall school place demand for learners with SEN as well as the increasing need for special school places. The number of statements for Trafford children has increased by 30% in the period since 2010. Brentwood School has a site capacity for 88 pupils and currently has 108 pupils on roll. This is projected to grow to 120 by 2018. The review recommended an expansion of Brentwood on a new site at Cherry Manor.

In March 2014 an update report concerning the recommendation went to Trafford Executive Committee who accepted the recommendation for a complete new build on the Cherry Manor site to accommodate Brentwood School.

Following the decision of the Executive Committee (13.03.14) all the required consultation processes for the expansion of the School have now been completed.

Recommendation(s)

That the proposals to relocate Brentwood school to a new purpose built school based at Cherry Manor be approved.

Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, requires that any determination must be made within the period of two months of the end of the representation period. The grant of planning permission under Part 3 of the Town and Country Planning Act 1990(1) is prescribed in the Regulations as a specified event which (if the approval is expressed to take effect only if they occur) must occur by a date specified in the approval.

Contact person for access to background papers and further information:

Name: Marilyn Golding
Extension: 912 1853

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	Preserving and improving education excellence
Financial	Total budget for the Brentwood School Capital project is £10.5 million. This includes a significant contribution of £1.6 million from the school (£700K towards the new build and £900K towards the Hydrotherapy pool). There is also a 214k contribution from the EFA. Total commitment from Trafford School Capital fund is £8.7m In March 2014 Trafford's Executive committee agreed funding from the schools capital basic need combined with some prudential borrowing to fund the proposal.
Legal Implications:	The expansion and relocation of special schools is subject to statutory processes, which will need to be adhered to as appropriate for the scheme. In addition, the LA has statutory duties in relation to the provision of school places, including using its planning powers to secure provision.
Equality/Diversity Implications	Schools are subject to current legislation about equality and diversity. These have been considered as part of this process.
Sustainability Implications	School buildings are procured requiring successful contractors to meet required sustainability criteria.
Staffing/E-Government/Asset Management Implications	The new school building (in particular new hydrotherapy provision) and its increased capacity will require additional staff, facilities and ICT provision. These will be a matter for the School's Governing Body.
Risk Management Implications	Failure to provide sufficient school places will find the Council in breach of its statutory duty.
Health & Wellbeing Implications	Providing suitable school places to meet the special school requirements of the Children and Young People from across the borough.
Health and Safety Implications	All school building work is subject to appropriate current Health and Safety/CDM regulations.

1. Legal Position

It is important to note that the LA has a general duty under section 14 *Education Act 1996* to ensure that there are available in its area, sufficient schools in number, character and equipment to provide for all pupils, the opportunity of appropriate education (s. 14 (2)). This general duty has been characterised as a target duty in *Meade v London Borough of Haringey* [1979], rather than absolute, though the LA must be able to show a reasonable cause i.e., an emergency, as to why it cannot fulfil the duty and it must take all statutory steps to overcome obstacles to its fulfilment (*R v Inner London Education Authority ex parte Ali and Another* [1990] COD 317).

In addition, the Education and Inspections Act 2006 amends section 14 of the 1996 Act by inserting a new subsection (3A) to require LAs in England, when exercising their powers on

the provision of schools in their area, under that section, to do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the process which must be followed where the LA proposes the physical expansion of a school.

The statutory process has four stages:

Stage 1	Publication	Statutory Proposals published – 28 th January 2015.
Stage 2	Representation (formal consultation)	Must be 4 weeks, as prescribed in regulations.
Stage 3	Decision	The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

2. **Background**

The SEN Review March 2013 highlighted the growth in overall school place demand for learners with SEN as well as the increasing need for special school places. The number of statements for Trafford children has increased by 30% in the period since 2010. Brentwood School has a site capacity for 88 pupils and currently has 108 pupils on roll. This is projected to grow to 120 by 2018. The review recommended an expansion of Brentwood on a new site at Cherry Manor.

Following the approval of the recommendation a feasibility study was undertaken by Keir Construction to assess the capacity of the current Brentwood site and also of the suitability of the existing buildings on the Cherry Manor site. The feasibility study reported back that the existing buildings at Cherry Manor would not be suitable for conversion to a special school and gave a number of costed options for comparison. This was reported back to the Executive Committee on 13.03.14. and approval was gained for a complete new build school on the Cherry Manor site for a school with capacity for 150 pupils. The construction should also allow provision for post 19 Further Education in the future.

There were originally two site constraints within the Cherry Manor site which needed to be worked around:

- The site contains a football pitch which has community use. Consultation with sport England and Sale Football club who use the pitch on Saturdays has established that the pitch will continue to be used by the club at least until the current contract expires. Alternative facilities have been found for the club during 2015/16 while construction is taking place.
- The original recommendation held that the existing administration block on the Cherry Manor site would be retained for the use of Trafford Complex and Additional Needs Service. However site investigation during the planning phase (summer/autumn 2014) deemed this prohibitive. Alternative accommodation for the affected staff has been found at Sale Waterside. The admin block will therefore be demolished to allow for the new school building.

Following the approval of the recommendations, the LA instigated the statutory processes and published a full proposal for the expansion of the School. The proposal contained the required information laid out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and can be viewed through Trafford's website.

The proposed development meets the School Premises Regulations 2012.

3. Other Options

A feasibility study was commissioned in Autumn 2013 to provide a series of costed options for the expansion of secondary special school provision at Brentwood. The options put forward were considered by the Executive in March 2013. The options explored in the study were:

- The potential to expand the existing school on its current site
- The potential of the school operating a split site between its existing site and the Cherry Manor site as part of a phased development
- A development and expansion of the existing buildings on the Cherry Manor site
- A complete new build relocation to allow for expansion

It was recommended that the most cost effective and least educationally disruptive option was for a full new build and relocation on the Cherry Manor site. The recommendation was accepted in March 2014 by the council Executive

4. Consultation

Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal, prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations.

In light of this expectation, a series of consultation events were held both at the current Brentwood school and also at Cherry Manor in Sale to engage with the local community. All comments and responses received during the consultation process were published on Trafford's website and included in the full proposal. Consultees were advised that any comments received during the development of the proposal would be considered in the final stage of the decision making process.

The Statutory Notice of the publication of the full proposal was published in the Trafford Advertiser, on Wednesday 28th January 2015. Copies of the proposals were sent to the Board of Governors of Brentwood Special School and were published on Trafford's website. Hard copies of the proposal were available on request to any individual.

The publication of the proposal began a 4 week representation period in which consultees and other interested parties were invited to submit comments or objections.

During this period there were no objections although two comments were submitted. One comment was positive about the proposal and expressed support, the second listed a number of queries about the proposal such as extended school hours, outdoor space use, trampolining and cycle track facilities. These comments and the feedback to the second are contained in annex 1 to this document.

5. Reasons for Recommendation

The LA has a general duty under section 14 of the Education Act 1996 to secure in its area sufficient schools in number, character and equipment to provide all pupils the opportunity of appropriate education (s. 14 (2)). The demand for special school places for children and

young people with severe and profound and multiple learning difficulties has increased significantly across the Borough and is predicted to continue increasing. The proposals are made to ensure that the LA can meet the demand for key stage three, four and five special school provision for the foreseeable future.

Key Decision Yes

If Key Decision, has 28-day notice been given? Yes

Finance Officer Clearance *(type in initials)*.....PH.....

Legal Officer Clearance HAK

CORPORATE DIRECTOR'S SIGNATURE *(electronic)*



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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Annex 1 – Comments From Statutory Notice Period.

Comment 1

As a parent of a child currently attending Brentwood I would like to offer my support to the above consultation to relocate Brentwood School to the Cherry Manor site.

I feel that the current building on Brentwood Avenue in Timperley is inadequate. The building is too small for the numbers of pupils and there is very limited outside space. The current provision at Brentwood does not have the capacity to meet demand for places due to the limitations of the site. Brentwood is a fantastic school, my daughter attends there and it would be beneficial for other children with SEN to be able to access the excellent provision on offer at Brentwood.

I have looked at the plans for the proposed new purpose built facility for the school. The new school will have enhanced accommodation to meet the growing demand for specialist provision, with modern fit for purpose facilities. This will improve the teaching environment for the pupils both internally and externally. My daughter is very excited at the prospect of moving to a 'new' Brentwood and we fully support the plans and proposals.

Comment 2 (response from Trafford Council in bold)

Q1. Re. Section 5, question 1: relating to the lack (non-existence) of after school care. The answer is...it has been forwarded to the relevant department. Can you tell give me the contact details of whoever heads up this department and how this issue has been addressed please.

This matter had been referred to Adrian Leach, the council's 16-19 Manager with lead responsibility for the SEN review. He has advised that the council does not have a statutory responsibility to provide after school care. However the existing Brentwood School does provide extended school hours, including after school care and current arrangements will remain in place. Please contact the school to discuss their existing arrangements and their plans to replicate these at the new school.

Q2. Also, I would like to formally raise a concern about the amount of outdoor space, it appears that a large proportion of the outdoor space is taken up by the football pitch which will be for community use. When will the community use this pitch?

The areas around the school designated as daily recreational spaces are adequate for the schools population needs – playgrounds have been zoned to include facilities that are personal to the individual user's needs. For example there will be sensory garden for pupils who are at a sensory curriculum level and possibly a sunken outside trampoline within the autistic provision. Consequently, the council and other statutory agencies do not have concerns about the amount of outdoor space at the site.

Q3. Only weekends or possibly for additional time?

The site fully belongs to the school. Sports facilities including the use of the football pitch and the all-weather games court will be fully open to the school. It is proposed that the community use will be during week-ends and possibly via holiday use only.

Q4. Would the Brentwood students be able to use this pitch space during their school day or will it be sectioned off?

Yes, teachers will decide when and how the pitch might be used during the day. The health and safety of the pupils at the school is paramount, therefore community use will be limited to out of school times. The use of any school facility will be managed by the school.

Q5. There is talk of using the school for some respite, this would inevitably involve students staying at weekends, how would the community accessing the pitch potentially affect this?

Respite facilities/supported independent living is linked to the school house at the existing school. It is hoped that this facility will be replicated closer to the new school site, via the sale of the present house and the purchase of an alternative house in closer proximity to the new school. Therefore the community use of school grounds should not compromise this facility.

Q6. My son loves trampolining, as do many ASD students, will this be part of the facilities?

The school and Trafford Council are considering the possibility of providing trampolining facilities within the school grounds. This will be subject to affordability.

Q7. The talk of a cycle path is much supported by parents of Brentwood children, if fund raising was successful would the council perhaps match the funds raised? What is the procedure to see if this is a feasible possibility?

The school would wish to have a cycle track and it is within its long term plans to explore/consider this provision as soon as funds become available. The school will explore a variety of funding routes including fund raising by the school as well as local/national grants.