

**CABINET MEMBER FOR EDUCATION & CULTURAL SERVICES - 10
JULY 2019**

**REPORT ON THE PROPOSED EXPANSION OF NORTHFIELD
SCHOOL**

Report by Director for Children's Services

RECOMMENDATION

1. **The Cabinet Member for Education & Cultural Services is RECOMMENDED to approve the proposed expansion of Northfield School, including rebuilding the school with purpose-built accommodation, with the following condition:**
 1. **That a new academy sponsor is appointed to run the school.**

Executive Summary

2. Expansion of Northfield (Special) School, Oxford, is necessary to ensure sufficient special school places for pupils with additional Social, Emotional and Mental Health needs (SEMH) in Oxfordshire. This is subject to a new academy sponsor being appointed to run the school, as is required following the school receiving an "Inadequate" Ofsted grade.
3. Such expansion requires a statutory consultation and decision-making process.
4. A statutory notice has been published, and the required representation period has ended. One objection was received, relating to concerns over the choice of the current school site for the expansion. However, an Options Appraisal concluded that re-provision of the school on the existing site was the preferred option.

Introduction

5. This report follows the publication of a Statutory Proposal/Notice (Stage 1) and a Representation (Stage 2 formal consultation) period relating to the county council's 'prescribed alteration' proposal to expand Northfield School. The proposal is made with the support of the school's leadership team. The Cabinet Member is now required to make a decision on the proposals in accordance with the statutory prescribed alteration procedures.
6. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal

prior to publication, to take into account all relevant considerations. The proposal to expand Northfield School grew out of consultation during 2018 both into special educational provision in Oxfordshire in general and also specifically into the future of Northfield School:

- i. Oxfordshire County Council held a public consultation between 25th January and 22nd February 2018 to allow all those with an interest in provision for children and young people with special educational needs and disabilities to feed into planning for Oxfordshire's future Special Educational Needs and Disability (SEND) provision. One theme emerging from this consultation was the need for improved provision for pupils with Social Emotional Mental Health (SEMH)/Autistic Spectrum Disorder (ASD) needs.
 - ii. On 4th June 2018 Oxfordshire County Council's Cabinet approved a public consultation on the future of Northfield School. In July, parent and staff meetings took place to update them on the school's accommodation issues and options. The Director for Education, Member for Education, School Headteacher and School Improvement Manager led these meetings. The meetings allowed parents, pupils and staff to express their views and concerns. It was agreed at that point to establish temporary accommodation, so that the school could continue to operate whilst refurbishment of the main school building took place, and a review of the long-term solution for the school was completed in the context of the emerging SEND Sufficiency of Places Strategy.
7. Resulting from these consultations, on 18 December 2018, Oxfordshire County Council's Cabinet approved a new [Special Educational Needs & Disability Sufficiency of Places Strategy to ensure sufficient school places are provided for children and young people with SEND as Oxfordshire's population grows. This strategy sets out how an emerging shortage of special school provision, especially for pupils with additional Social, Emotional & Mental Health needs \(SEMH\), is resulting in an increased use of high-cost independent & non-maintained special school placements, resulting in a growing High Needs block revenue pressure and overspend. The shortage of special school places is also affecting the county's ability to complete an Education and Health Care Plan for pupils with SEND within the required 20-week period.](#)
 8. [Having considered the evidence presented in the Strategy, Cabinet gave in-principle approval to the expansion of Northfield School, as one strand of increasing special school provision, subject to the approval of this statutory proposal. The proposal is itself subject to an academy sponsor being appointed to run the school, as is required as a consequence of the school being rated as "Inadequate" by Ofsted.](#)

The Proposal

9. The statutory proposal (Annex 1) was published in the Oxford Mail on 17 May 2019 and was also posted on the county council website. The Representation

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period ran until the 14 June 2019, which is the statutory 4-week period required under the relevant legislation. The statutory notice was accompanied by a Full Proposal document (Annex 2), which was available to read online at the Oxfordshire County Council public website, or by request.

10. The proposal is to expand Northfield School to a capacity of 108 places, subject to an academy sponsor being appointed to run the school. To accommodate this expansion, the county council would rebuild the school with purpose-built accommodation.
11. In November 2018, Northfield School was inspected by Ofsted and rated "Inadequate". As such, it is required to become an academy to receive additional support from an academy sponsor. If no academy sponsor can be appointed for a school rated "Inadequate", then a proposal to close the school needs to be considered.
12. If an academy sponsor can be appointed for Northfield School, the county council believes that part of the strategic plan to improve the quality of education would be expanding the school, and rebuilding it to provide purpose-built accommodation meeting the needs of its pupils. To make any future academy conversion process as straightforward as possible, the county council would approve the expansion before the school converts. It therefore published this proposal to expand the school, subject to an academy sponsor being appointed. Pupil numbers at the school would only rise in line with the accommodation available, and the school would not reach its full size until the new building is open, expected to be in 2021/2022.
13. Northfield School's existing accommodation has significant suitability and condition issues which limit the operation of the school, and has required significant investment over the last year to maintain. Rebuilding and expanding the school would be a key component of Oxfordshire's SEND Sufficiency Strategy.
14. The proposed alteration would:
 - Support the improvement programme at Northfield School by providing purpose-built accommodation;
 - Provide more special school places for Oxfordshire's growing pupil population;
 - Make it easier and quicker to place pupils with SEMH needs in appropriate education;
 - Reduce the county council's expenditure on high cost places at independent schools.
15. The leadership team and Interim Executive Board of Northfield School support the proposed school expansion.

Representations

16. 5 responses were received during the 4-week statutory Representation period. Of these responses 4 were in support of the proposal, whilst 1 objected.
17. The respondent who objected expressed concerns over expanding the current site, but supported expansion on split sites.
 - An Options Appraisal was carried out by the OCC Property Team, and concluded that the preferred option was to rebuild on the existing site, as this removed the possibility of local resistance, planning constraints and potential time delays that would otherwise result if the school were to be relocated onto a new site. The results of the Options Appraisal were reported to Cabinet in December 2018 as part of the proposal to rebuild and expand the school, which was approved.

Legal background

18. Local authorities have a statutory duty under section 14 of the Education Act 1996 to ensure sufficiency of school places. This duty will be met with the expansion of Northfield School, to provide sufficient special school places for pupils in Oxfordshire with SEMH needs.
19. Expansion of schools is covered by *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* ('the Prescribed Alterations Regulations') which should be read in conjunction with Parts 2 and 3 and Schedule 3 of the *Education and Inspections Act (EIA) 2006* (as amended by the *Education Act (EA) 2011*) and *the Prescribed Alterations Regulations*.
20. The expansion of a maintained school is subject to the "Guidance", as set out in "*Making Significant Changes ('Prescribed Alterations') to maintained schools*" published October 2018. This Guidance is for proposers and decision-makers. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:
 - how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends;
 - and the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy

of the proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks are appropriate.

21. The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.
22. The county council confirms that it has adhered to the above Guidance.

Decision-making

23. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Education & Cultural Services. In considering the proposals for a school expansion, the Cabinet Member can decide to:
 - reject the proposals;
 - approve the proposals without modifications;
 - approve the proposals with such modifications as the local authority thinks desirable, having consulted the governing body;
 - approve the proposal – with or without modification – subject to certain conditions (such as the granting of planning permission) being met.
24. Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
25. The *Guidance* states that “decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)”.
26. The *Guidance* sets out the following factors which should be considered in deciding this proposal.
27. **Education standards and diversity of provision:** Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.
28. Northfield School offers countywide provision for pupils with SEMH needs, for which there is currently a shortage of places within Oxfordshire. Expansion of the school would be achieved through a complete rebuild of the school,

providing purpose-built accommodation which would support the quality of education at the school. Expansion will also improve the county's ability to complete an Education and Health Care Plan for pupils with SEND within the required 20-week period.

29. **Equal opportunities issues:** The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have "due regard" to the need to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. The characteristics that are protected in relation to the Public Sector Equality Duty are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
30. Expansion of this school would ensure that children with SEMH needs in Oxfordshire can obtain access to a special school place closer to home, without the need to travel out of county. If sufficient places are not available within the heart of the community this can affect access to out of school activities, social contact with peers, and travel distances.
31. **Community cohesion:** When considering a proposal, the decision-maker should consider its impact on community cohesion.
32. Expansion of this school would enable children in Oxford and the surrounding area with SEMH needs to attend a school in their local community, which is a key element in creating community cohesion.
33. **Travel and accessibility:** Decision-makers should satisfy themselves that accessibility planning has been properly considered and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis on how it will support and contribute to the LA's duty to promote the use of sustainable travel.
34. Expansion of this school would prevent the need for children with SEMH needs to be transported to special schools further afield, and help to minimise journey times and vehicular transport.
35. **Funding:** The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement.
36. Oxfordshire County Council's cabinet (18 December 2018) has committed to fund the rebuild of Northfield School through the allocation of £9.52m capital budget within the council's capital programme.

Financial and Staff Implications

37. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved and an academy sponsor

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appointed to run the school. As outlined above, capital funding has already been committed by the Cabinet.

38. The academy trust appointed to run the school will need to meet the costs of additional staffing, curriculum resources and maintenance costs from its delegated budget share. The funding formula on which the budget share is based will allocate additional resources based on increased place numbers.

Equalities Implications

39. As outlined above, expansion of this school would increase equality of opportunity in terms of access to special school places.

LUCY BUTLER

Director for Children's Services

Background papers:

Annexes: Annex 1: Public Notice
 Annex 2: Full Proposal Document
 Annex 3: Special Educational Needs & Disability Sufficiency of Places Strategy
 Annex 4: Proposal to Agree to Re-Build and Expand Northfield School Through the Special Educational Needs and Disability Sufficiency of Places Strategy

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