

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

7 SEPTEMBER 2006

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET DECISION / KEY DECISION

Children and Young People – Lead Cabinet -Councillor Cunningham

OUTCOME OF A REVIEW OF PROVISION FOR CHILDREN WITH COMPLEX NEEDS: PROPOSAL TO ENLARGE ABBEY HILL SCHOOL

1. Summary

Section 315 of the Education Act 1996 requires that local authorities with responsibility for education keep under review their arrangements for special education provision. The establishment of a Children's Trust in Stockton-on-Tees and the publication of the first Children and Young People's Plan have drawn further attention to the need to ensure that services in the Borough support the five *Every Child Matters* outcomes for all children. This report summarises the outcome of a review of provision for children with complex needs carried out in consultation with the headteachers and governing bodies of the four special schools and three other specialist settings maintained by the Authority.

The review concluded that some changes to the current pattern of special needs provision across the Borough were necessary to secure improved educational outcomes for some groups of pupils. One objective is to ensure that pupils with complex needs are educated in the most appropriate setting, in particular that children with emotional, social and behavioural difficulty (BESD) should not be educated in the same setting as those with learning difficulty or autistic spectrum disorders (ASD). This could be achieved if all secondary-age pupils with ASD were accommodated at Abbey Hill School and Technology College, a school whose ASD provision has earned accreditation from the National Autistic Society. The Authority would then cease to provide for pupils with ASD at Westlands School.

A capital grant of £800,000 has been secured from Government to fund the enlargement of Abbey Hill for this purpose. The proposed work includes the addition of five flexible teaching spaces, an ICT suite, meeting hall, staffroom and seminar room with associated storage and toilet facilities. This would increase the planned capacity of the school from 230 to 270 places and allow all secondary-age pupils with ASD to be accommodated in one centre. This change constitutes a "prescribed alteration" under Section 31 of the School Standards and Frameworks Act 1998. The Act requires that the Authority first consult all those likely to be affected by the proposed change and then publish a Statutory Notice of its proposal.

2. Recommendations

Members are asked to agree:

1. that consultation take place with interested parties on a proposal to enlarge Abbey Hill School to provide an additional 40 places for pupils aged 11-19 so that all secondary-age pupils with ASD may be accommodated at that site;
2. that, subject to the outcome of the statutory decision-making process, the enlargement scheme be added to the 2006-07 education capital building programme approved by Cabinet on 20 April 2006, and the Corporate Director for Children, Education and Social Care be authorised to approve the financial appraisals in consultation with the Cabinet Member for Children and Young People.

3. Reasons for the Recommendations/Decision(s)

Sections 28 to 31 of the School Standards and Framework Act 1998 (modified in some details by the Education Act 2002) lay down a statutory procedure that must be followed when any change to school organisation is being considered. Before deciding whether to publish a proposal for change (by means of a Statutory Notice), the Authority must first consult those persons most likely to be affected by the change. All views expressed during consultation must be taken into account.

4. Members' Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

5. General Exception

This matter has not been included in a forward plan, but it is impracticable to defer the proposed decision until it has been included in the next forward plan (due to be published on 15 September 2006) and until the start of the first month to which the next forward plan relates (1 October 2006 - Cabinet on 5 October 2006).

The grant of £800,000 to support the enlargement of Abbey Hill School was announced in a letter from the Department for Education and Skills dated 31 July and received in the Authority on 4 August. Children with autistic spectrum disorders – perhaps more than any other children – need the security of familiar surroundings, and it was decided to aim for completion of the work at Abbey Hill for September 2007 in order to minimise disturbance to children moving from Westlands School. The project will involve an initial client brief, detailed design work, application for planning consent, procurement and a construction programme estimated at eight months.

Section 31 of the School Standards and Framework Act 1998 specifies a statutory process of consultation and decision-making likely to take four months (and possibly longer if referral to the School Organisation Committee or Adjudicator is required). Much of the preparatory work on the project (design, planning consent) can be done during the consultation process, but procurement and construction may not begin until the statutory process is completed. It would be beneficial to begin consultation as soon as possible in order to minimise any delay to the construction programme.

The Proper Officer has informed the Chair of Executive Scrutiny of the matter, by notice in writing, and has made a copy of the notice available to the public at the Offices of the Council. Five clear working days have elapsed since the Chair of the Executive Scrutiny Committee was informed and a copy of the notice was published.

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SUMMARY

Section 315 of the Education Act 1996 requires that local authorities with responsibility for education keep under review their arrangements for special education provision. The establishment of a Children's Trust in Stockton-on-Tees and the publication of the first Children and Young People's Plan have drawn further attention to the need to ensure that services in the Borough support the five *Every Child Matters* outcomes for all children. This report summarises the outcome of a review of provision for children with complex needs carried out in consultation with the headteachers and governing bodies of the four special schools and three other specialist settings maintained by the Authority.

The review concluded that some changes to the current pattern of special needs provision across the Borough were necessary to secure improved educational outcomes for some groups of pupils. One objective is to ensure that pupils with complex needs are educated in the most appropriate setting, in particular that children with emotional, social and behavioural difficulty (BESD) should not be educated in the same setting as those with learning difficulty or autistic spectrum disorders (ASD). This could be achieved if all secondary-age pupils with ASD were accommodated at Abbey Hill School and Technology College, a school whose ASD provision has earned accreditation from the National Autistic Society. The Authority would then cease to provide for pupils with ASD at Westlands School.

A capital grant of £800,000 has been secured from Government to fund the enlargement of Abbey Hill for this purpose. The proposed work includes the addition of five flexible teaching spaces, an ICT suite, meeting hall, staffroom and seminar room with associated storage and toilet facilities. This would increase the planned capacity of the school from 230 to 270 places and allow all secondary-age pupils with ASD to be accommodated in one centre. This change constitutes a "prescribed alteration" under Section 31 of the School Standards and Frameworks Act 1998. The Act requires that the Authority first consult all those likely to be affected by the proposed change and then publish a Statutory Notice of its proposal.

RECOMMENDATIONS

Members are asked to agree:

1. that consultation take place with interested parties on a proposal to enlarge Abbey Hill School to provide an additional 40 places for pupils aged 11-19 so that all secondary-age pupils with ASD may be accommodated at that site;
2. that, subject to the outcome of the statutory decision-making process, the scheme be added to the 2006-07 education capital building programme approved by Cabinet on 20 April 2006, and the Corporate Director for Children, Education and Social Care be authorised to approve the financial appraisals in consultation with the Cabinet Member for Children and Young People.

DETAIL

Present provision for pupils with special educational needs

1. The majority of children in the Borough with special educational needs, including many with statements, are educated in mainstream school settings. Six primary and five secondary schools include special units or support bases funded by the Authority. Several initiatives funded by Government (such as the Behaviour Improvement Programme, Excellence in Cities, and Social and Emotional Aspects of Learning) provide additional support in mainstream schools.
2. Provision for children with more complex needs is offered in four special schools, one pre-school unit and two pupil referral units. The specials schools are:
 - a. Ash Trees for pupils aged 5-11 with learning difficulty or autistic spectrum disorders (121 places);
 - b. Westlands for pupils aged 7-16 with behavioural, emotional and social difficulty or autistic spectrum disorders (115 places);
 - c. King Edwin for pupils aged 11-16 with behavioural, emotional and social difficulty (64 places);
 - d. Abbey Hill for pupils aged 11-19 with learning difficulty or autistic spectrum disorders (230 places);
 - e. The Children's Centre for children aged 0-5 with learning difficulty or autistic spectrum disorders (16 places);
 - f. Greengates for pupils aged 7-11 excluded or at risk of exclusion from school (14 places);
 - g. The Bishopton Centre for pupils aged 11-16 excluded or at risk of exclusion from school (46 places).
3. King Edwin and Westlands Schools offer a total of 27 residential places (weekdays only in school terms). Separate support is provided by social care and health services for about 600 children and young people. Respite care is offered at Hartburn Lodge and Piper Knowle House as well as through specialised fostering arrangements. At present a total of 68 children are in special placements outside the Borough, 14 of them in residential settings.

Review of provision for complex needs

4. A discussion paper was taken to meetings of the governing bodies of the four special schools, the management boards of the pupil referral units, headteachers and staff. The paper included a summary of current provision, issues of concern and a development strategy.
5. The principal areas of concern were:

- a. the needs of too many children not being met within the Borough;
 - b. an inappropriate mix of provision at Westlands School;
 - c. need for better respite services for families;
 - d. poor condition of some of the buildings;
 - e. the need to integrate education, health and social care services for children and young people.
6. There was a clear consensus in support of the development strategy, which aims to create world class local, integrated services for children with complex needs, with delivery centred upon schools as the hub of provision. This will involve the co-ordination of services delivered across the four special schools, linked to the PRUs and mainstream schools, and integrated with health care and social care provision. Children and young people will be effectively supported in their own homes and schools for as long as possible, with good access to respite care, additional services as appropriate, and personalised support for education, training or employment post-16.
7. The most pressing issue was seen as the inappropriate mix of provision at Westlands School. Teaching pupils with autistic spectrum disorders alongside those with behavioural, emotional and social difficulty did not serve either group of pupils well, particularly with such a broad age range from 7 to 16. A clear consensus emerged in favour of aligning provision at the special schools more closely with the needs of pupils and the particular strengths of the schools. It was proposed that:
- a. Westlands School should cater for pupils aged 7 to 14 with BESD, linked with the primary PRU at Greengates. In the longer term, residential provision would be upgraded to provide year-round facilities including respite care.
 - b. Abbey Hill, accredited by the National Autistic Society for its excellent provision for children with ASD, would in future take all pupils aged 11-19 with ASD as well as those in the same age group with learning difficulty.
 - c. King Edwin School would cater for pupils aged 11-19 with BESD, linked with the secondary PRU at the Bishopton Centre;
 - d. Ash Trees School will remain a school for pupils aged 5-11 with learning difficulty or ASD.
8. For a small number of children it would be possible to make these changes as early as September 2006, and this option was offered to parents or carers on an individual basis. With the agreement of the parents or carer in every case, it was agreed that:
- a. four ASD children currently in Y1 to Y4 at Westlands would transfer to Ash Trees for September 2006;
 - b. all ASD children currently in Y5 at Westlands would remain there until the normal transfer to Abbey Hill in September 2007;
 - c. nine BESD pupils currently in Y9 at Westlands would transfer to King Edwin for September 2006;
 - d. all BESD pupils currently in Y10 at Westlands would remain there for one further year.
9. It was intended that pupils aged 11-16 with ASD currently at Westlands School would remain there but all future admissions of students in this age group with ASD would be to Abbey Hill School. Additional accommodation would be created at Abbey Hill to enable all secondary-age pupils with ASD to be taught at a single site when sufficient capital resources could be made available. Major refurbishment of the residential facility at Westlands would then take place to support year-round operation and respite care.

10. In early summer the DfES announced a capital bidding programme for federated schools only. Westlands and Abbey Hill had formed a federation on 1st April 2006, and the federated governing body agreed to a bid being made to support the enlargement of Abbey Hill from 230 to 270 places to accommodate the secondary pupils from Westlands with ASD. At the beginning of August the Authority was informed that the bid has been rewarded with a grant of £800,000 to be spent in the financial years 2006-07 and 2007-08.

Consultation on the proposed enlargement of Abbey Hill School

11. The enlargement of a special school by more than 10% of its planned pupil places requires publication of a statutory notice following consultation with those likely to be affected by the proposal. The consequent change in the nature of provision at Westlands School also requires a statutory proposal.
12. Letters setting out the rationale for these changes will be sent to:
 - a. The parent or carer of every child attending Abbey Hill and Westlands schools;
 - b. All members of staff at the schools;
 - c. Health authorities in the area;
 - d. Other local authorities that send children with ASD to Westlands or Abbey Hill.
13. A meeting for parents and carers will be held at each school, separate meetings will be held for school staff, and the proposal will be discussed at a meeting of the federated governing body.
14. The results of consultation will be reported to Cabinet. Subject to the outcome of the statutory decision-making process and planning consent, it is intended that the proposed enlargement may be completed for September 2007. When the work is complete, all the remaining pupils at Westlands with ASD will be offered places at Abbey Hill, but no child will be required to transfer if the parent or carer does not agree. In that event the child concerned will stay at Westlands until the age of 16. No member of staff at Westlands will be required to transfer to Abbey Hill against his or her wishes.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

15. Capital funding for the proposed project would come from the DfES Targeted Capital Fund (£800,000 award confirmed), CESC capital budget (£650,000 from existing resources), and schools' devolved formula capital (£50,000 agreed by the federated governing body).
16. Overall revenue funding will be unchanged.

Legal

17. This consultation will be carried out in accordance with the statutory requirements under Sections 28 to 31 of the School Standards and Framework Act 1998, and Schedule 6 to that Act, both as modified by the Education Act 2002.

RISK ASSESSMENT

18. A risk assessment has been carried out. The proposal is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COMMUNITY STRATEGY IMPLICATIONS

Environment

19. All new buildings will be designed with sustainability, low energy use and low carbon emissions in mind.

Community Safety and Well-Being

20. No implications

Health

21. No implications

Economic Regeneration

22. No implications

Education and Lifelong Learning

23. Enlarging Abbey Hill School is part of a development strategy to improve provision for children with special educational needs by ensuring that children are educated in the most appropriate setting.

Arts and Culture

24. No implications

CONSULTATION INCLUDING WARD/COUNCILLORS

25. Consultation is described in the body of the report.

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Background Papers

School Organisation Plan 2006-09 available on the Council website.

Ward(s) and Ward Councillors: not Ward-specific

Property

The proposal would enlarge and improve a valuable Council asset.