

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

24 APRIL 2008

REPORT OF CORPORATE MANAGEMENT TEAM

KEY DECISION

Children and Young People – Lead Cabinet Member – Councillor A Cunningham

REORGANISATION OF EDUCATION FOR CHILDREN WITH BEHAVIOUR, EMOTIONAL AND SOCIAL DIFFICULTIES (BESD)

1. Summary

Consultation has taken place on a possible proposal to close King Edwin School and develop Westlands School as the single specialist centre in the borough for students with Behaviour, Emotional and Social Difficulty (BESD). The proposal arises from a review of provision for students with complex needs carried out in 2006.

A consultation paper (attached as **Appendix 1**) was distributed to interested parties and meetings were held at King Edwin School for parents and carers and for school staff. The issue was also discussed at a meeting of the Interim Executive Board, the body acting as governing body for the school.

Parents and staff expressed concerns over potential disruption to the education of vulnerable young people who find any change of routine unsettling. The timing of the proposal was also questioned. Some parents were not convinced that Westlands School would offer a better service for their children. Members of staff at King Edwin contrasted their own position – facing potential redundancy – with the security of Westlands staff, and suggested an alternative proposal involving closing both schools and establishing a single new BESD school. These issues are addressed in the body of this report.

The consultation already carried out is the first stage of statutory consultation. Cabinet is now required to take account of the outcome of that consultation before considering whether to proceed to the second stage by publishing a Statutory Notice.

2. Recommendations

Members are asked to agree that a statutory Public Notice be issued describing a proposal to close King Edwin School on 31 August 2008.

3. Reasons for the Recommendations/Decision(s)

Section 315 of the Education Act 1996 requires that local authorities with responsibility for education keep under review their arrangements for special education provision. A review of provision for pupils with complex needs was carried out in 2006/07. One of the conclusions following the review was that provision for specific types of need should be located on a single site where possible.

Section 15 of the Education and Inspections Act 2006 lays down a statutory procedure that must be followed when any proposal to close a maintained school is under consideration. Before deciding whether to publish a Statutory Notice, the Authority must first consult those persons most likely to be affected by the change and must take account of the views expressed.

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 judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must 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 (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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**REPORT OF CORPORATE
MANAGEMENT TEAM**

KEY DECISION

**REORGANISATION OF EDUCATION FOR CHILDREN WITH BEHAVIOUR, EMOTIONAL
AND SOCIAL DIFFICULTY (BESD)**

SUMMARY

Consultation has taken place on a possible proposal to close King Edwin School and develop Westlands School as the single specialist centre in the borough for students with Behaviour, Emotional and Social Difficulty (BESD). The proposal arises from a review of provision for students with complex needs carried out in 2006.

A consultation paper (attached as **Appendix 1**) was distributed to interested parties and meetings were held at King Edwin School for parents and carers and for school staff. The issue was also discussed at a meeting of the Interim Executive Board, the body acting as governing body for the school.

Parents and staff expressed concerns over potential disruption to the education of vulnerable young people who find any change of routine unsettling. The timing of the proposal was also questioned. Some parents were not convinced that Westlands School would offer a better service for their children. Members of staff at King Edwin contrasted their own position – facing potential redundancy – with the security of Westlands staff, and suggested an alternative proposal involving closing both schools and establishing a single new BESD school. These issues are addressed in the body of this report.

The consultation already carried out is the first stage of statutory consultation. Cabinet is now required to take account of the outcome of that consultation before considering whether to proceed to the second stage by publishing a Statutory Notice.

RECOMMENDATION

Members are asked to agree that a statutory Public Notice be issued describing a proposal to close King Edwin School on 31 August 2008.

DETAIL

Review of provision for complex needs

1. This proposal arises from a review of provision for children and young people with complex needs that was undertaken in 2006. It is the second phase of a reorganisation to rationalise provision for particular needs on a single site. The first phase is the agreed proposal to transfer provision for pupils with autistic spectrum disorders (ASD) from Westlands School to Abbey Hill School Technology College. When that is completed, Westlands will have places for 115 students and around 75

on roll. In September this year King Edwin School will have 64 places and is expected to have 32 students on roll. The present proposal is that King Edwin School should be closed, and that Westlands should be developed as the single specialist centre in the borough for students of all ages with BESD. A proposal for a new Westlands building is anticipated as part of the Building Schools for the Future programme.

2. It is intended that most students still on roll at King Edwin School should remain there until the end of the summer term and be transferred to Westlands School roll for September 2008. Some students may be offered other placements in consultation with parents and carers, depending on an assessment of their individual needs.
3. Every effort will be made to assist members of staff displaced from King Edwin to find suitable jobs if that is their wish. Individual circumstances will be considered in consultation with staff unions and professional associations.

Method of consultation

4. A consultation paper (attached as **Appendix 1**) was sent by post to parents and carers at the home address of every student on roll at King Edwin or Westlands schools, and also to:
 - (a) members of staff at the schools
 - (b) the Governing Body of Stockton Borough First Federation (Westlands School)
 - (c) the Interim Executive Board for King Edwin School
 - (d) other local authorities with students on roll at either of the schools
 - (e) the Members of Parliament for Stockton North and Stockton South.
5. A meeting was held for staff at King Edwin School and their professional representatives on 10 March. Later that day a meeting was held for parents and carers of students on roll at King Edwin School.

Views expressed at the meeting for parents and carers

6. This meeting was attended by 18 people, including two students at the school. One major concern expressed was that provision at Westlands School might not be as good as parents perceive it to be at King Edwin. Some aspects of provision at King Edwin received particular praise:
 - (a) the nurture group that provides specific attention for younger students with particular needs
 - (b) trusting and respectful relationships between students and staff
 - (c) family social work support.
7. Many parents and carers expressed the view that students with special needs find any change difficult, and a complete change of school could be very traumatic. There was a concern that students unhappy with a different placement might refuse to attend and that parents would be held responsible for their absence.
8. There was also concern over the timing of the proposed closure. The students at Westlands with ASD will be transferred to Abbey Hill School during 2009 following the completion of a new building currently under construction. It was suggested that the closure of King Edwin should be delayed to coincide with that move. Another suggestion was that King Edwin should remain open until all students now at the

school had worked their way through to the end of Year 11. This could take up to four years.

9. Some parents and carers believed strongly that students currently in Year 11 should not be moved to other placements when little more than one term of their final school year remains. Others took the view that these students are ready for change and that placements at a college or workplace might be more appropriate at this stage.
10. Questions were asked about the likely demand for BESD places in the future and the number of students needed for the school to remain viable.

Views expressed at the meeting for staff

11. The meeting for staff and their professional representatives was attended by 29 people. An officer from the Council's Human Resources section was present to answer questions relating to employment matters. She referred to the redeployment protocol agreed with unions and professional associations, and the Council's desire to see staff redeployed where possible. It was however emphasised that all appointments at schools are made by governing bodies and the Council has no power to impose staff on schools.
12. One view expressed at this meeting concerned the different position of staff at King Edwin compared with those at Westlands. A proposal to close King Edwin School would place all staff at that school at risk of potential redundancy, whereas the jobs of staff at Westlands would remain secure. Several members of staff at King Edwin expressed the view that a reorganisation proposal that treated both sets of staff in the same way would seem preferable. This report does not recommend such a proposal because that would involve closing both schools and opening a new school. All staff at both schools would then face redeployment or potential redundancy, and a much larger number of students, parents and carers would be exposed to the uncertainty involved in a school closure proposal.
13. It was suggested that provision for students with BESD at Westlands School is not demonstrably superior to that at King Edwin. Selected extracts from the report of a recent Ofsted inspection of Westlands School were quoted in support of this view. It was also suggested that the present configuration of Westlands students (some with BESD, some with ASD – autistic spectrum disorder) does now allow fair comparison with King Edwin as a BESD-only school.
14. At this meeting too questions were asked about the likely demand for BESD places in the future.
15. There was concern that staff members would not wait for the outcome of the decision-making process but would seek other jobs as soon as possible.

Views expressed by the Interim Executive Board (IEB)

16. This body carries out the functions of a governing body for the school. It is chaired by the headteacher of a separate school and includes two Council officers not directly involved in the provision of education for students with statements of special educational needs.
17. This proposal was discussed at a meeting of the IEB on 13 March. The IEB strongly supports the proposal to close King Edwin School provided that suitable

arrangements are agreed for the students who would have been on roll at the school in September.

Other comments received

18. A parent of a student in Year 11 at King Edwin wrote to express her view that closure is the correct course for King Edwin School, but she does not agree that students in Y11 should be moved to other settings before the closure date.
19. Another parent, in this case of a student in Year 10, stated that she had chosen King Edwin rather than Westlands for her son in 2007 after being told that Westlands was the more likely of the two schools to be closed. She is concerned that her son's education would be disrupted by another move that would have been unnecessary if better information had been provided last year.
20. A member of staff at King Edwin asked whether the proposal to close the school was influenced by events over the past two years. He referred to the departure of the headteacher and deputy, the use of staff temporarily seconded from other establishments, and the replacement of the governing body with an Interim Executive Board. In his view these events had adversely affected the engagement and behaviour of students, and the commitment and enthusiasm of staff.

Comment on the issues raised in consultation

21. Subjective comparisons between provision at King Edwin and Westlands schools are not easily supported by any objective evidence. The framework under which Ofsted inspects schools was changed in 2006, and reports under the new framework are not directly comparable with those under the earlier process. Westlands has been inspected under the new framework but King Edwin has not. Both schools had been inspected under the previous framework, but that was in 2004 and much has changed at both schools since then. The Authority's school improvement staff monitor all schools regularly, and a Task Group is set up to support any school causing concern. In the view of the King Edwin Task Group an inspection at King Edwin at any time in the last twelve months would not have found the satisfactory provision that was found at Westlands in November 2007. The creation of Stockton Borough First Federation in April 2006, bringing Westlands and Abbey Hill schools together under a single governing body and executive headteacher, has already strengthened Westlands significantly.
22. Features of King Edwin that are popular with parents (the nurture group, for example) have been initiated by the interim leadership of the school in recent months and could be easily replicated at Westlands. The Abbey Hill-Westlands federation treats all students as individuals and makes strenuous efforts to meet individual needs. This includes devising individual programmes of study, ensuring the appropriate size and make-up of teaching groups, and assigning personal tutors. Students transferring to these schools from other placements tend to settle quickly. There is no reason for students or their parents to view a transfer to Westlands as a traumatic event.
23. Officers remain convinced that the interests of King Edwin students require the closure of the school at the earliest convenient date. To delay closure would deprive those students of the better provision that could be made at Westlands. No King Edwin student will be required to transfer to another placement before the closure date without the full agreement of parents or carers.

24. The idea of closing both BESD schools and establishing a new school in their place has been considered and is not recommended. Any proposal for a new special school would fall within the competition provisions of the Education and Inspections Act 2006 (Section 7). A local authority may no longer propose a new school but should publish an initial Statutory Notice inviting bids from any potential providers. The authority may choose to enter a bid of its own in the competition. Four months must be allowed for submission of bids, then a second notice must publicise the bids for public consultation. After a further six weeks (including a public meeting to examine the bids) the outcome is determined by the local authority (unless the authority has entered the competition, in which case an adjudicator will decide the outcome). The outcome of this process must be uncertain, and the timescale would make implementation for September 2008 impossible.
25. It is not easy to predict the future demand for places in special schools as this depends on the professional assessment of the needs of individual students who might be referred at any time. Based on the numbers of students with BESD currently in special schools in the borough or awaiting a placement, anticipated demand for places in September 2008 is a total of 114 places. This number includes students resident outside the borough and will be within the total capacity of Westlands School when the students with ASD transfer to Abbey Hill. The following breakdown by year group shows that numbers are greatest in the upper age groups, suggesting that overall demand will reduce over time as the large year groups move through the school:
- Year 3 – 2 places
 - Year 4 – 4 places
 - Year 5 – 2 places
 - Year 6 – 7 places
 - Year 7 – 12 places
 - Year 8 – 22 places
 - Year 9 – 21 places
 - Year 10 – 16 places
 - Year 11 – 28 places

Next steps

26. Cabinet must consider all the responses to consultation before deciding whether to publish a Statutory Notice. The Notice would describe the proposal clearly and invite comment in writing from any person within a period of two months from publication. Following the expiry of that period, Cabinet would determine whether to implement the proposal. That decision must take account of all comments made in response to consultation, and would have regard to statutory guidance issued by the Secretary of State for Children, Schools and Families. Comprehensive supporting information based on the statutory guidance would be provided at that stage. The Cabinet decision would be final.

FINANCIAL IMPLICATIONS

27. No implications at this stage.

LEGAL IMPLICATIONS

28. No implications at this stage.

RISK ASSESSMENT

29. 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

Economic Regeneration and Transport

30. No implications at this stage.

Safer Communities

31. No implications at this stage.

Children and Young People

32. The proposal is intended to improve services for a vulnerable group of children and young people.

Healthier Communities and Adults

33. No implications at this stage.

Liveability

34. No implications at this stage.

EQUALITY IMPACT ASSESSMENT

35. An Equality Impact Assessment has been carried out. No adverse impact on any group has been identified.

CORPORATE PARENTING

36. The proposal is intended to improve services for children and young people with BESD, some of whom are looked after by the local authority.

CONSULTATION INCLUDING WARD/COUNCILLORS

37. Paragraphs 4 and 5 above describe the consultation carried out.

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Background Papers

Cabinet reports dated 7 September and 2 November 2006, and 14 February 2008.

Ward(s) and Ward Councillors:

Not ward-specific.

Property

No implications at this stage.