

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting21st July 2008

1. Title of Item/Report

Reorganisation of Education For Children with Behaviour, Emotional and Social Difficulties (BESD)

2. Record of the Decision

Consideration was given to a report on the reorganisation of education for children with Behaviour, Emotional and Social Difficulties (BESD). Following consultation with interested parties, Cabinet had agreed the publication of a Statutory Notice proposing that King Edwin School be closed on 31st August 2008 and the remaining students be transferred to the roll of Westlands School from 1st September. The notice was published on 3rd May. No statutory objections were received in the six-week period following publication. Under the Education and Inspections Act 2006 it fell to Cabinet to determine the proposal.

It was explained that the rationale for the proposal agreed by Members in April was that concentrating provision for all students with BESD on a single site would give all of them access to a greater number of specialist staff offering a wider range of curriculum options. Individual learning programmes would be developed to enable each student to reach his or her full potential. Students and staff would benefit from the growing strength of the Stockton Borough First Federation.

Before reaching a decision on the proposal, Members were required to have regard to statutory guidance issued by the Secretary of State for Children, Schools and Families. The body of the report included comment on the elements of the guidance that were relevant to the proposal. The full guidance was available in the Members' Library.

Before the Education and Inspections Act came into force in 2007, all decisions on school organisation proposals after the publication of a Statutory Notice were delegated to the Corporate Director CESC in consultation with the Cabinet Member for Children and Young People (Executive Function 365). The present proposal fell to Cabinet because no decision to delegate the function under the new law had been made. Cabinet was asked to recommend to Council an amendment to the Constitution to restore delegation of these decisions to the Corporate

Director in consultation with the Cabinet Member.

RESOLVED that King Edwin School be discontinued on 31 August 2008 and the remaining students transferred to the roll of Westlands School;

RECOMMENDED to Council that the Constitution be amended by deleting Executive Function 365 (a) and 365 (b) and inserting the following:

a. "To publish, consider, approve and implement any proposals under Sections 7, 15 or 19 of the Education and Inspections Act 2006 for the establishment, alteration and discontinuance of school premises, save and except where paragraphs 10, 11, 12, 13, 14 or 15 of Schedule 2 of the Act apply and, as a result, any proposals are required to be referred to the adjudicator.

b. Either to withdraw, or to refer to the adjudicator any proposals referred to in (a), where any of the said paragraphs 11 to 15 inclusively apply." It is recommended that both these functions (a) and (b) be delegated to the Corporate Director in consultation with the Cabinet Member for Children and Young People.

3. Reasons for the Decision

Section 315 of the Education Act 1996 required that local authorities with responsibility for education keep under review their arrangements for special education provision. A review of provision for pupils with complex and additional needs carried out in 2006/07 concluded that provision for specific types of need should be located on a single site where possible. The present proposal would concentrate provision for students with Behaviour, Emotional and Social Difficulty (BESD) at Westlands School. This would enable all students to benefit from the expertise of specialist staff offering a greater breadth of curriculum options.

The Education and Inspections Act 2006 abolished School Organisation Committees and transferred to local authorities their powers to determine school organisation proposals. These decisions were Executive functions that may be delegated in accordance with the local scheme of delegation. The Council's Constitution provided for Executive decisions on proposals published under the previous legislation to be delegated to the Corporate Director in consultation with the Cabinet Member. An amendment to the Constitution would be required to allow the same level of delegation of powers conferred by the Education and Inspections Act 2006.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

Cllr Cunningham declared a personal/non-prejudicial interest as a member of a governing body.

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not later than Midnight on Tuesday 29th July 2008 in respect of the resolution only.

Proper Officer
23 July 2008