

AGENDA SUPPLEMENT (1)

Meeting: Cabinet

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 22 May 2019

Time: 9.30 am

The Agenda for the above meeting was published on 14 May 2019. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

6 **Specials schools consultation (Pages 3 - 8)**

The following supplementary documents are circulated in further support of the work and consultation undertaken by the Council to enable Cabinet to take an informed decision:

1. The minute of Full Council, which met on 26 February 2019, and received 2 petitions, which were referred to Cabinet can be found [here](#). The link to the 2 petitions can be found [here](#).
2. Parent Governors submission from St Nicholas School - copy of workshop slides are attached.
3. An additional email of representation was circulated with the agenda as an addendum to appendix 6 and can viewed [here](#).

DATE OF PUBLICATION: 16 May 2019

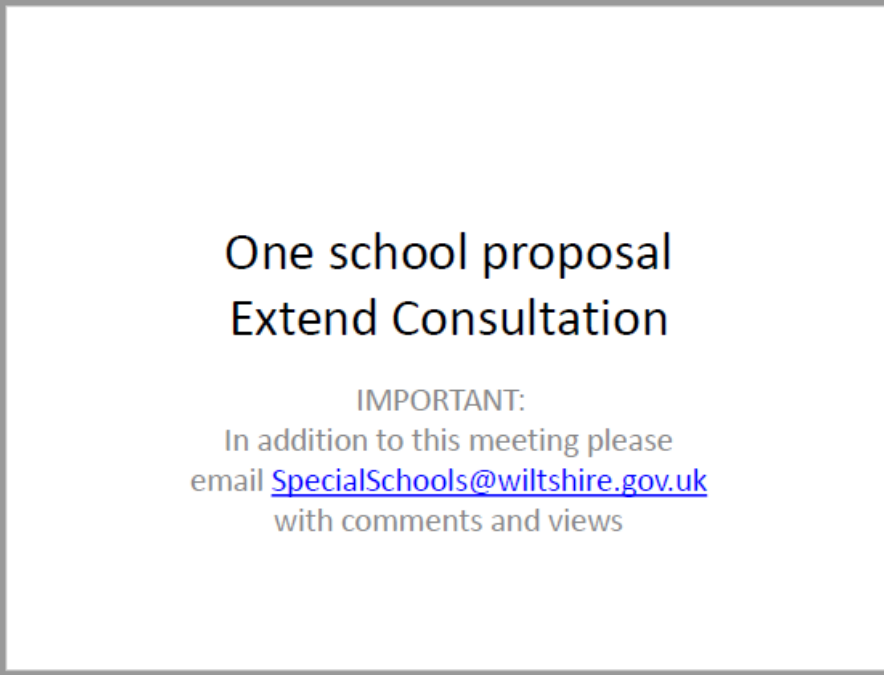
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SPECIAL SCHOOLS PROPOSALS (22 May 2019)

APPENDIX 6: (ADDENDUM 2)

LETTERS AND EMAILS RECEIVED

6.4.11 30.04.2019 Parent Governors submission from St Nicholas School (copy of workshop slides)

1. A white rectangular slide with a thin grey border. The text is centered. The title is 'One school proposal' followed by 'Extend Consultation' on the next line. Below that, it says 'IMPORTANT:' followed by 'In addition to this meeting please email SpecialSchools@wiltshire.gov.uk with comments and views'.

One school proposal
Extend Consultation

IMPORTANT:
In addition to this meeting please
email SpecialSchools@wiltshire.gov.uk
with comments and views

2. A blue rectangular flowchart with a thin grey border. The title is 'How we got to where we are now' followed by 'Previous consultation process' on the next line. The flowchart consists of a series of text boxes connected by downward-pointing arrows. The steps are: Dec 2017: WPC held 'consultations' 'What would you like to see in a Special School?'; Summer 2018: 'consultation' with Alan Stubbersfield (WC Interim Director, education and Skills) 'Not consultation on closures, but need for more places'; November 2018: WC publish cabinet agenda item re closing schools; 15th November 2018: Save St. Nicholas Petition setup; 27th November 2018: WC Cabinet vote unanimously to proceed on 'The "One-School Option"'; 9th January 2019: Statutory Proposal Published.

How we got to where we are now
Previous consultation process

Dec 2017
WPC held "consultations"
What would you like to see in a Special School?

↓

Summer 2018
"consultation" with Alan Stubbersfield
(WC Interim Director, education and Skills)
Not consultation on closures, but need for more places

↓

November 2018
WC publish cabinet agenda item re closing schools

↓

15th November 2018
Save St. Nicholas Petition setup

↓

27th November 2018
WC Cabinet vote unanimously to proceed on
The "One-School Option"

↓

9th January 2019
Statutory Proposal Published

How we got to where we are now

Legal Action

A collection of interested parties obtained legal advice on the legality of the statutory proposal. The guidance was the proposal was not issued in accordance with closing maintained schools with respect to

1. the statutory notice content
2. the process used to consult prior to publication

Legal guidance also was that simultaneously challenging process and proposal were not possible. While successful legal action against the process would result in the proposal being withdrawn.

Legal action on the process breaches was instigated with an Initial hearing accepted 3 grounds as being sufficiently arguable as to be taken to a full hearing, these being

1. Not followed the Statutory process
2. Not fairly consulting prior to publication
3. Not fulfilling Equality requirements including PSED and EIA

3.

How we got to where we are now

Legal Action

15th March 2019 - Court in Cardiff

Wiltshire Council v Friends of Larkrise and St. Nicholas School



25th March 2019

Wiltshire Council out of court settlement has been agreed



WC to pay claimants reasonable costs up to a cap set by the court

Withdrawal of the Statutory Proposal



Re-align to Pre-publication and extend consultation on special schools' provision

While there are protections with regulations related to
Right to a family life, Public Sector Equality Duty and Equality Impact Assessment
These need to be evidence to ensure WC understand why retaining Schools in the
principle North Wiltshire settlements and/or Larkrise and St. Nicholas Schools is
required

4.

Where we are now Extended Consultation - WC

The current consultation is to run until 6th May 2019

WC have realigned the previous representation on statutory proposal to (pre)consultation on the same proposal

From the attended workshop WC are walking through the process to demonstrate how and why the current closure proposal fulfils their criteria with respect to

- Sufficiency
- Value for money
- Quality
- Outcomes




The whole presentation and discussion appears to have a pre determined starting point that

- Larkrise and St. Nicholas are too small and overcrowded and must close
- One school is a viable option leading to positioning Rowdeford as the most appropriate site

5.

Where we are now Extended Consultation – WC Criteria

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		Scoring criteria								
		Positive 			Neutral 			Negative 		
		10	9	8	6	5	4	3	2	1
Sufficient provision		At least 50 more places for those with complex needs, built on time and to DfE guidelines. Expansion possible for a further 100.			At least 50 more places for those with complex needs, built on time and to DfE guidelines. Expansion possible for a further 75.			Not built on time and/or not to DfE guidelines with little scope for expansion.		
Value for money		Cost effective buildings - getting a great bang for our SEND buck.			The price of construction is higher than we'd like but in line with benchmarks.			Expensive and not delivering on quality.		
Quality		Transport for all is less than 45 minutes and delivers an outstanding quality experience for the pupils.			Transport for more than 98% is less than 60 minutes and for 100% is less than 75 minutes. A good quality experience.			Transport for more than 2% is over 60 minutes.		
Outcomes		Outstanding 14+ pathways services equip young people with the knowledge and skills they need to live independently (in their community), secure a place at a good university, start an apprenticeship, or find their first job.			Good 14+ pathways - developing independence in preparation for adult life			Transition to adulthood and 14+ pathways are limited.		

6.

Where we are now Extended Consultation - concerns

The consultation fails to outline the merits or otherwise of retaining Schools in the principle North Wiltshire settlements and/or Larkrise and St. Nicholas Schools

The consultation is regarding the new primary and secondary provision

Impact on POST 16 pupils is not reported and may undermine the statistics presented

The gating sequence used puts sufficiency and value for money ahead of quality and outcomes.

For transport assuming Cricklade is in catchment, North Wiltshire geography means a single school can never be better than neutral on quality. And will fail the 45 minute Primary School pupil test.

Therefore if guidance become regulation in the future, the schooling proposal could intrinsically be flawed.

7.

Where we are now Extended Consultation - concerns

Rowdeford School:

Some children will have a longer travel time, although most will be between 1 and 9 minutes more..



8.

Where we are now Extended Consultation - concerns

Rowdeford School: Less students travelling over 60 minutes

As-Is

- Larkrise: 11 routes total 188 miles – 11 Students over 60 mins
- St Nicks – 13 routes total 204.3 miles – 4 Students over 60 mins
- Rowdeford – 27 routes total 629.2 miles – 30 students over 60 mins
- Combined total 51 routes total 1021.5 miles – 45 students over 60 mins

Proposed

- Combined into Rowdeford
- 59 routes: 1043.4 miles – 2 Students over 60 mins

Wiltshire Council
Where everybody matters

9.

Where we are now Extended Consultation - concerns

Testing impacts and statistical integrity is impaired as the underlying data used has not been made available with respect to omissions or errors related to

- Inclusion of South Wiltshire in a North Wiltshire plan
- Inclusion of POST 16 in the new Rowdeford travel plan
- Omission of POST 16 travel needs
- Omission of time or distance related to deltas due to private mileage and non transported children
- Errors due to time requirements to unload/load wheelchairs etc.
- Omission or limitations due to children's EHCPs, health, medical or emotional needs
- Errors related to the difference in methodology used for As IS and future transport timing
- Indication on who are the major loser or gainer
- How the 8 additional vehicle used in the proposal would improve the AS IS metrics allowing for a fairer comparison.

10.

What we want to do

Obtain views on

- Whether a single combined school at Rowdeford is a good plan for your child?
- Whether a single combined school at Rowdeford is a good plan for ALL children?
- Why the one school option will not work?
- What would need to be in place to make a one school option in Rowde acceptable?

11.