

**Wiltshire Council**

**Cabinet**

**22 May 2019**

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**Aileen Bates – St Nicholas School (Chair of Governors) – Statement regarding agenda item 6**

**Specials Schools Consultation**

**To Councillor Laura Mayes – Cabinet Member for Children, Education and Skills**

**Statement**

1. Introduction

- a. It will be clear to you that the Governors (and the overwhelming majority of parents at St. Nicholas were opposed to the proposal to site SEND provision in a new single site at Rowdeford (Proposal) as recommended by the Paper and previously withdrawn from Cabinet consideration. Unfortunately that remains the case following this additional stage of consultation.
- b. Overall we believe that the Paper focuses much too strongly on sufficiency of provision and value for money in creating places rather than improving inclusion and outcomes for pupils.
- c. The claims for quality of provision are focused almost entirely on the proposed new building at Rowdeford and are very light on the practical aspects of how this will be achieved.
- d. We remain concerned about the basis on which this exercise is being conducted. Essentially both the further stage of consultation and the paper appear to us to bolster the arguments for the Proposal whilst at the same time failing to explore fully and acknowledge the arguments for alternative options.
- e. The government guidance on consultation principles encourages public bodies to:-

*“Consult about policies or implementation plans when the development of the policies or plans is at a formative stage. Do*

*not ask questions about issues on which you already have a final view.* “ (Principle B)

We believe that the Council has remained fixed in its view that the Proposal should proceed and that the further stage of consultation is little more than window dressing following the adverse ruling against the Council under judicial review in the High Court.

- f. For example the government guidance on consultation principles also encourages public bodies “*to seek collective agreement before publishing a written consultation*” (Principle H). As materially interested parties we were given no opportunity to comment on this paper prior to circulation and the Proposal being taken to Cabinet. To the contrary the proposal in the Paper was not mentioned at the meeting between Council representatives and special school heads on 9 May 2019 even though . Paper was circulated three working days later on 14 May.
- g. There are a significant number of individual points contained within the paper that we would challenge given the time and resource to do so. However the representations in this note concentrate on major themes only.

## 2. Parental Choice

- a. We would draw your attention to the Department of Education Guidance on Opening and Closing maintained schools (November 2018) which states (at page 4):-

*“The decision-maker should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).”*

Parental choice should therefore be a paramount consideration.

- b. The Paper seems to suggest that some parents might be able to mitigate the lack of choice inherent in the Proposal by seeking to educate their children at a school in a neighbouring local authority. However this is contradicted in another section of the Paper which states that an aim to reduce this practice.
- c. The Paper also suggests that one of the reasons for parents choosing Rowdeford as a school is that pupils with Moderate Learning Difficulties cannot be educated in mainstream schools. Exactly the same applies

to St Nicholas and Larkrise.

- d. The Paper relies heavily on the results of the options analysis using the assessment matrix (Matrix) contained in Appendix 14 (discussed in more detail below). This Matrix allocates only 2% of the overall 'votes' to parental choice (factor 13 on page 29).
- e. The Executive Summary to the Paper states that although 55% of respondents to the on-line survey were against the Proposal 45% were in favour. We would suggest that this is an incomplete and significantly misleading statistic.
- f. There is no separate analysis in the Paper of the preferences of the parents of children most directly affected by Proposal (i.e. those at St. Nicholas and at Larkrise). It would appear to us that this group is almost universally opposed to the Proposal.
- g. Conversely the parents of the children least affected, those already at Rowdeford (who are being promised a facility which will be 'world class' and a 'centre of excellence') in their current school's vicinity will inevitably be included in the 45% in favour. It is perhaps not fanciful to suggest that if the proposed single school was to have been located in another locality the results would have been different.
- h. In addition it appears impossible to reconcile the claim made in the Executive Summary of the Paper and repeated regularly throughout that *"45% supported the proposal against 55% who did not in the online survey"* with the table in the report summarising the on-line responses. Adding up the total number of responses this produces a split of 41:59 against the proposal. The only way to get even close to the claim of a 45:55 split appears to be to total the percentages of the various categories and then calculate a percentage of these (which actually round to 44% in support and 56% against). This appears to be a highly dubious methodology on which to base such an important claim. The table states the level of opposition to the proposal for most of the categories as between 58% and 68%, with *"professional[s] with an interest in special school provision"* actually split 45:55 against the Proposal. The only category of respondent reporting support greater than 45% (at 65%) are stated to be those *"representing an organisation with an interest in special school provision"*. This group appears to include a mix of organisations with a commercial interest in the proposed new school (e.g. care providers) together with individuals (e.g. a Rowdeford governor and an ex Rowdeford student). If we are correct in our interpretation of the statistics this methodology would appear to provide this category with a proportionately higher 'say' than the parents of St Nicholas and Larkrise most directly affected by the proposal.

- i. We would also suggest that to comply with the Department of Education guidance very significant weight should have been given to the detailed reasons for opposition to the Proposal as fundamental justification not to proceed with this. Instead the Proposal focuses on plans to mitigate (or at times, to dismiss) those concerns.

### 3. Community Links

- a. Perhaps the most significant concerns voiced in the consultation were based on the removal of children from education in their own local community to be educated in isolation in a remote rural environment. This theme has implications in a number of areas for children with special needs including community cohesion, preparation for adulthood, access to medical facilities etc.
- b. The Paper appears to give equal weight to the concerns that children from St Nicholas and Larkrise “*would not learn how to live in their own closest town and that the communities without a special school would lose valuable contact with children and young people with SEND*” and the strong support for the proposal from Rowdeford.
- c. Similarly the Paper appears to equate the loss of access to a full and diverse range of “*facilities such as shops, leisure centres and cafes*” provided in the major centres of Chippenham and Trowbridge with “*access to wildlife, village life and a sort [sic] after rural environment*” of the Rowdeford site.

This demonstrates the lack of real understanding or acknowledgement of the importance of social inclusion and learning within the local community. There are vital benefits for SEND pupils of learning and engaging within their local community. This is about building skills and confidence over time in real life situations. The Paper suggests that ‘*families themselves are ensuring that any barriers are broken down in their everyday lives by going to the local shops, the pool...*’ and that the Council is funding a number of short breaks in the communities where the pupils live. These statements alone demonstrate the complete lack of understanding of the impact of learning and being part of a local community can mean for our pupils and how this can improve outcomes. The Poplar College (St. Nicholas) post 16 project is a significant example of what can be achieved in an urban community based setting (and which simply could not be replicated at Rowdeford).

- d. Our understanding is that one of the commitments made by the Council in its 2017-22 Business Plan was to build strong communities. Building one large remote school and closing successful community based special schools produces the exact opposite result.

### 4. Travel

- a. A major concern was clearly over increased travel times to school for children from St Nicholas and Larkrise. The Paper effectively dismisses this as a marginal factor. This appears to be highly counter-intuitive.
- b. Particular concerns have been raised about the vital health and safety issue of reconciling travel scheduling with individual medical plans (and the Paper acknowledges that this work is outstanding).
- c. The Paper states that this could be achieved by “*using a number of approaches to fleet management, route efficiencies created through one location and a variety of vehicles*” and therefore seems to imply a change from current transport planning practice. The claims are therefore unproven.
- d. It is unclear whether the application of similar techniques could reduce existing journey times to the existing separate sites.
- e. Community access also has travel implications. There is no recognition in the Paper of the additional travel time that will be required for pupils to access the community. Pupils cannot walk or be pushed in their wheel chair from the proposed Rowdeford site and trips out will take longer.
- f. In addition the Paper acknowledges that the future demand for special school places is most likely to grow in the locations where housing is planned to increase, principally Chippenham. So closing St. Nicholas is likely to result in more pupils making travelling further.

## 5. Parental Access

- a. A related issue is the question of parental access to school. In practice with special needs children this is a highly significant issue and needs to be possible on a flexible and ad-hoc basis. The ability to maintain as close a working partnership as possible between the school and parents is crucial to the achievement of educational and welfare outcomes.
- b. However this concern is effectively dismissed in the Paper which states that for this remote rural location “*travel times should be reasonable for parents; however, the transport assessment also suggests using taxis to bring parents in when required if they do not have access to their own transport*”. It is not clear who will fund this cost. If it is the parents then this places parents without access to their own transport at a particular disadvantage. If it is to be the Council this cost does not appear to have been factored in.

## 6. Operating Costs / Budgetary Constraints

- a. The Paper makes various claims for improved services and reduced operating costs under the Proposal. There appears to be no explanation of how this will be achieved against the general background of budgetary constraints.
- b. For example at present it is clear that neither St Nicholas (nor the other maintained special schools) receive adequate healthcare support. Speech and language training provision has remained at 2 days a week for years, there has been a reduction in physiotherapy and occupational therapy input. How does the Proposal guarantee funding to recruit and increase this provision?

## 7. The Matrix

- a. Any methodology that can introduce objectivity into a process should be helpful. However the Matrix has been introduced without consultation or agreement and appears to have been applied inconsistently. So unfortunately this has had the opposite effect.
- b. Notwithstanding that the Paper concedes that options appraisal Matrix in Appendix 14 is not being presented as “*scientific or free from subjectivity*” this nevertheless appears to be the main basis upon which the alternative proposals have been analysed and the Council’s previous preference for the Rowdeford Proposal confirmed.
- c. In the time available and with limited access to information we are not in a position to comment on the methodology in any great detail. However we do have a number of significant concerns on the approach and methodology adopted. It must be emphasised that what appears below are only representative examples of concerns identified to date and that our concern is that with a fuller understanding of the process employed those concerns could multiply exponentially.
- d. In particular the Paper states “*it should be noted that this was not undertaken by the head teachers of Larkrise or St Nicholas although it was sent to them*”. This carries the clear implication that our school has refused to participate in this process. In practice our Head-teacher was given less than 24 hours to complete the Matrix, with no background explanation on the options and no opportunity to comment or question the approach. Even then they were only invited to score options 2-8, which seemed to exclude the option preferred by St. Nicholas. The better analysis would be “that St Nicholas (and Larkrise) were not given a sufficient opportunity to undertake the assessment.
- e. In any event those schools most affected by the Proposal did not participate in the principal assessment relied on as part of this consultation. Without a more detailed understanding of the methodology and underlying results it is impossible to say whether a proper opportunity to participate would have materially altered the

results.

- f. Conversely the assessment was completed by representatives of Rowdeford and by a number of Council officers. Concerns clearly arise over their ability to maintain objectivity in all the circumstances. Without access to the detail of how individual assessments have been completed it is impossible to say whether those concerns would be validated or disproved.
- g. Nevertheless, in a considerable number of areas, it is difficult to understand why some of the alternative options based on existing areas of Chippenham and Trowbridge did not score considerably higher than the proposed Rowdeford. For example Quality item 11 – Community Engagement.
- h. We also have concerns about the relative weighting given to various factors. We referred to item 13 – Choice at 2% above. Item 15 Co-production and support from families at 1% is also relevant.
- i. Also a significant number of factors (particularly in the Outcomes category) appear to be sufficiently vague as to be incapable of sensible assessment for any given option.
- j. In addition we have very significant concerns as to the methodology adopted. It is stated that:- *whilst all four criteria carried the same weight – 25% of the overall score..... each option needed to “unlock” before moving to the next in sequence*. We are concerned that this approach could have ‘locked’ and disqualified potentially viable alternative proposals, that with further exploration, could have presented more attractive and viable alternatives to the Proposal.

## 8. Claims Evidence and Assumptions

- a. In a considerable number of areas the Paper makes various general claims that the Proposal to build a single large school will create a ‘centre of excellence’ and a ‘world class’ facility. There is absolutely no evidence put forward to justify this. Indeed there are concerns that, for SEND pupils a ‘super school’ could have the opposite effect (thus jeopardising another objective in the Council’s Business Plan – protecting the most vulnerable).
- b. Similarly the Report makes various assumptions. For example that outreach to mainstream schools would automatically be improved whilst ignoring the potential of changing the system and allowing the current special schools to work together with (their local) mainstream schools to achieve this.

## 9. Alternative Proposals

- a. The Paper examines a wide range of 15 alternative proposals. It is very difficult for us to comment in detail on how this assessment has been carried out. However the Paper leaves many unanswered questions and the impression remains that there is substantial additional work to be undertaken before these alternatives should be disregarded in their entirety and the Proposal passed. For example there appear to be no detailed comparative of either capital or revenue costings included with the Paper.
- b. For example the Paper refers to a proposal to “*Extend St Nicholas and Larkrise onto new sites and maintain Rowdeford Appendix 13 includes the model put forward by the Wiltshire SEND Action group*”. This appears to be Option 14 in Appendix 14.
- c. The main reason for the relatively low scoring of this option under the Appraisal appears to be higher revenue costs associated with operating across 5 sites. St Nicholas (and we understand Larkrise) are by no means wedded to our existing sites. Indeed we would welcome a new state of the art facility being built for us in Chippenham. The Paper concedes that revenue costs would reduce on a three-site model and that under the Matrix the attraction of this option would increase (albeit with an unspecified additional capital cost as a consequence).
- d. As to the other objections to this option as listed in the Paper:-
  - i. *Split site options do not allow for specialist staff and facilities to be concentrated in one location.* This might be so. However we strongly believe that some combination of common leadership, liaison and limited additional travelling for staff and pupils this difficulty can be overcome.
  - ii. *There is potentially an inequality in the condition of buildings with St Nicholas and Larkrise school sites continuing to not meet DfE minimum area recommendations and children still experiencing overcrowding.* However the Paper conceded that ‘*this disadvantage would be addressed if 2 new builds accommodated all pupils in Trowbridge and Chippenham*’
  - iii. *There are concerns that multiple sites reduce continuity of experience and provision for all children.* This seems to be a relatively vague and insubstantial objection. There are greater concerns that committing SEND children to a rural single site school for a significant part of their educational career will isolate and institutionalise them.

We therefore believe that (apart from unspecified additional capital costs) there is everything to recommend this option, based on three sites.



## 10. Conclusion

- a. We do accept that do nothing is not an option and that additional SEND provision is needed within Wiltshire. However we believe that many of the claims made in the Paper in support of the Proposal for a single site at Rowdeford are based on conjecture and are not supported by evidence.
- b. Equally we believe that many of the advantages claimed for the Proposal (e.g. improved outreach) could, with thought and collaboration, be equally or better achieved through maintaining separate locations.
- c. We believe that a genuinely open minded and collaborative consultation would have emphasised the advantages of maintaining three sites in Chippenham, Trowbridge and at Rowdeford.
- d. We invite the Cabinet to reject the proposal and instead instruct the officers of the Council to undertake further work with a view to formulating an alternative proposal based on this option and on the basis that interested parties are provided with reasonable resource (such as access to consultants etc.) so that the resulting alternative option can be seen to be both viable and truly co-produced.