

## CABINET

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### **MINUTES OF THE CABINET MEETING HELD ON 22 MAY 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice-Chairman), Cllr Pauline Church, Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman and Cllr Philip Whitehead

#### **Also Present:**

Cllr Ian Blair-Pilling, Cllr Clare Cape, Cllr Ernie Clark, Cllr Jane Davies, Cllr Andrew Davis, Cllr David Halik, Cllr Alan Hill, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Steve Oldrieve, Cllr Andy Phillips, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Ian Thorn, Cllr Philip Whalley and Cllr Christopher Williams

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#### 62 **Apologies**

There were no apologies.

#### 63 **Minutes of the previous meeting**

The minutes of the meeting held on 30 April 2019 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 30 April 2019.**

#### 64 **Declarations of Interest**

There were no declarations of interest.

#### 65 **Leader's announcements**

The Leader explained the approach to public participation for the Special Schools item.

66 **Public participation and Questions from Councillors**

The Leader explained that statements and questions would be received during the discussions on the Special Schools Consultation at agenda item 6.

67 **Specials schools consultation**

Cllr Laura Mayes, Cabinet member for Children, Education and Skills thanked members of the public that had taken the time to attend the meeting and responded to the consultation on the proposals for Special Schools.

The Cabinet member gave a presentation about the responses received to Phases 1 and 2 of the consultation on the proposals to close Rowdeford, St Nicholas and Larkrise special schools and open a new special school at Rowde. She reminded the Cabinet that they had considered the matter at their meeting held on 27 November 2018. Since that meeting, a case was taken to court by a group of families about the process used for consultation prior to November 2018, the outcome of which brought about an extension to the consultation process, thus phase 2. The report considered by the Cabinet at this meeting contained all the consultation responses received between 9 January 2019 and 6 May 2019, along with alternative proposals received.

Cllr Mayes explained that the Council anticipated a total investment of up to £32 million in a purposed built Centre of Excellence at Rowde, to accompany provision at Exeter House in Salisbury. The Special Schools Larkrise and St Nicholas would stay open until the new school is built in 2023 and it is appropriate for children to transition to the new site at Rowdeford. The changes were necessary due to increased demand for specialist Special Education Needs and Disabilities (SEND) provision, increased pupil population as a result of Army Rebasing. In total an additional 120 school places were needed for specialist SEND provision in the north, and this was to be met by the expanded centre on the existing Rowdeford site.

The Cabinet member explained there was overcrowding in the current schools and the best option was to expand the school site at Rowde. Cllr Mayes highlighted the investment was an opportunity to improve the quality of education for those in a Special School setting, as well as improving opportunities for pupils with SEND in mainstream schools. The councillor outlined that Rowde was the ideal site for expansion due to its location and excellent community links. The councillor was confident an expanded site in Rowde would give the best opportunity for travel times to the majority of pupils and families. It was explained the expanded site would keep its small, safe setting by separate small learning areas on the site, landscaped to maintain a 'countryside' feel and additional therapy facilities would also be available at the school.

A number of statements were received from the public which covered the following points:

- Experiences as a parent of a child with SEND

- That the decision to proceed with the proposals had already been predetermined
- Concern about the travel times
- Current proposals were not acceptable and the current 3 special schools' provision should remain at Trowbridge, Chippenham and Rowdeford.
- The development of life skills
- Importance of receiving an education close to home, integration and social inclusion into the local community
- The need for parental choice to be paramount, along with parental access to the school
- Lack of information in the report concerning operating costs, budgetary constraints and alternative proposals
- The one school option would mean children with profound disabilities would become institutionalised
- The one school option would cause harm to the children and outweigh the benefits
- The children attending the single school have a wide range of complications and conditions that the one school option would not effectively manage, especially with the potentially increased risk of infection for some of the most vulnerable.
- The negative psychological effect that the proposals would have on families, friends and more importantly the SEND children.
- References to the Judicial Review and the extension to the consultation
- The sense of belonging, not only at the pupil's current schools, but also within the local communities, which helped their self-esteem and identity.
- The proposed school at Rowde was too large for many children and would have a detrimental effect on their ability to develop educationally and emotionally.
- Smaller schools should remain within the largest expanding communities of Chippenham and Trowbridge.
- Concern about the accuracy of the report and its contents
- Travel arrangements would be compromised due to the poor access to the proposed location and regular congestion in and out of Devizes
- Proposals to include post 16 facilities to cater for children with more profound, severe or complex needs
- Concern about the length of time taken for a decision to be made
- The importance of the outdoor learning space and play areas at Rowdeford
- The positive impact of Rowdeford on the development of current pupils
- The existing links between Rowdeford and communities in Rowde and Devizes
- Concern about how the proposals would be achieved in practice
- The needs of the children being met in a manageable way and providing a positive and fulfilling future for vulnerable children.
- The proposal could endanger the health of children due to the location of the school in Rowde and breach their human rights.
- The one school option not being supported by the majority of respondents

- A large school would provide true economies of scale
- The need for the provision of health care professionals on site
- Links to mainstream schools
- The ability of SEND children to manage the transition from their current school to Rowdeford
- Maintaining Larkrise and St Nicholas Schools in addition to the growth of Rowdeford School
- The availability of land in Trowbridge to expand SEND facilities
- The importance of the school's locations and ability to access local communities from an early age
- The need to take into account the views and contributions of parents

In addition to the above representations, the leader welcomed the views of the following Councillors:

1. Cllr Oldrieve spoke against the proposals and suggested that the Cabinet could not make a sound decision on the proposals before them
2. Cllr Kirk (as a Trowbridge Town Council member) declared an interest as he had a business which sold schools uniforms for schools in the Trowbridge area. He spoke against the proposals and (i) highlighted the issues raised for parents who would experience extended travel times to the new site at Rowde; and (ii) concern that the pupils would be deprived of the ability to develop direct links with the community in their local area.
3. Cllr Philips spoke against the proposals, especially the closure of St Nicholas School in Chippenham. He commented on (i) the additional time taken for pupils to travel to the new site and how this would be detrimental to their health, wellbeing and education; (ii) how the proposals would undermine important community involvement; (iii) the growth in housing allocation numbers for Chippenham and the additional financial burden, and place pressure on those schools.
4. Cllr Hubbard spoke in both a personal capacity and as Chairman of the Children's Select Committee SEND School Provision Task Group. He reassured the public and stakeholders that officers had not produced the proposals from a prejudged position but have formed them from an evidenced based approach and that they have the best interest of every group. He commented on the proposals and indicated that a concern of the Task Group was the lack of resource hubs to enable young people to be taught in their local communities, for both primary and secondary and alongside mainstream where appropriate. He was pleased that the school would remain a maintained school, although surprised at the information supplied in relation to travel times and that only two children would be subject to a journey longer than one hour.
5. Cllr Thorn thanked the parents and stakeholders for their contributions and indicated that he felt they were the finest contributions he had heard during any debate in the Council Chamber. He asked the Cabinet to

consider the seriousness of the decisions to be taken and to take into account the comments and views of the parents and stakeholders.

6. Cllr Blair-Pilling called on the public and stakeholders to support the proposals detailed in the report and the Cabinet who were seeking improvements of SEND provision in Wiltshire.
7. Cllr Davis spoke in support of the proposals and commented on Wiltshire SEND schools being classed as providing a very good service by the government. She explained that (i) the proposals contained detail about how improvements to outcomes for SEND children would be achieved at the new site; (ii) how overcrowding at other sites would be alleviated; (iii) improvements to healthcare accessibility at the new site; (iv) the open space available at the Rowde site; (v) flexibility of teaching methods; (vi) improvements with social inclusion and wider access to local communities.
8. Cllr Whalley commented on the expectation that the school would attract high quality teaching support staff, due to the facilities on offer and location.

The Councils Monitoring Officer responded to a question about the health of a SEND child due to the extended journey times to the proposed new school and the impact on the child's and its family's human rights.

Cllr Clewer (i) noted that the new school at Rowde would be one of the largest special schools in the country; (ii) that currently Wiltshire was predominately a rural county, however, based on housing allocation numbers and the work being undertaken on boundary reviews in Wiltshire, this may evolve to a more 50/50 split between rural and urban, in the coming years; (iii) the additional funding being provided for transporting children to the new school; (iv) recruitment issues; (v) the need to improve road safety management in the vicinity of the new school site.

Cllr Thomson commented on (i) the importance of all communities being supportive and accepting of SEND, and how the Council has been instrumental in updating the accessibility for all at libraries and leisure centre facilities in the county; (ii) the grants provided to Parish Councils and their awareness of the needs to provide accessible facilities for all, including play parks; (iii) medical risks being the key concern for parents, and the provision of medical support on site at the new school.

Cllr Sturgis commented on (i) how the Council administer consultations, analyse and manage the information received prior to making a decision. (ii) The importance of engaging with parents and stakeholders from the start of the process and the need to cover all the issues and concerns raised during the process. (iii) The importance of providing the appropriate level of resources for SEND in mainstream schools.

Cllr Church (i) recognised that change for families raises a number of difficult challenges and even more so for SEND families; (ii) expressed a concern about the travel plans for some children to the new school and how special transitional arrangements would need to be adopted to lessen the impact of journey times. She also asked how post 16 provision would be provided.

Cllr Whitehead spoke about the need to make the transition for the pupils as seamless as possible and the large financial investment which would take the provision of SEND in Wiltshire to a higher level.

Cllr Wayman spoke about (i) the successful integration of SEND pupils into her local community; (ii) expressed concern at a number of comments received during the consultation about institutionalising SEND children at the new school. The cabinet noted that this was not the reality and the Council were aiming at providing a centre of excellence where all children would be able to develop to their full potential.

The Leader spoke of her experience as the parent of a disabled child and her desire for excellent education provision, therapy opportunities, and medical support in Special Schools. The Leader explained she was confident this proposal was the best opportunity for the pupils in the county.

Following consideration of the many issues and concerns raised, the Cabinet considered a suggestion to include additional proposals to those detailed in the report and additional explanations about how the proposals would be achieved. These included the following:

- New proposal at 4 below under the heading ‘Resolved: That Cabinet..’ to read ‘Approves that St Nicholas and Larkrise stay in use on their current sites until the new provision is ready, and it is appropriate for children to transition to the new site at Rowdeford.
- Additional sections about how the proposals would be achieved, under the heading ‘That this is achieved by ...’ to read:
  - f) Noting the contribution of changes to special schools within the wider review of SEND, with particular regard to the investment and relationship with mainstream schools, resource bases in primary schools and Enhanced Learning Provision (ELP) in secondary schools.
  - g) Noting the commitment to explore the appropriateness of improving road safety features by including the entrance to the Rowdeford school site within lowered speed limits and exploring the consideration of a pedestrian crossing.
  - h) Noting the commitment to take forward consideration of locating community care health professionals and provision from the Rowdeford school site.

The Leader of the Council and Cllr Mayes thanked all parents and stakeholders who had contributed to the discussion in writing and at the meeting and indicated that they acknowledged the concerns as well as aspirations expressed. The Cabinet Member went on to highlight specialist school provision needed to change due to the overcrowding in schools, and it was noted that a significant number of SEND children were already educated in a different town to their home address due to Wiltshire being a large rural county.

**Resolved: That Cabinet**

- 1. Approves the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowdeford and Larkrise schools as soon as possible and no later than 1 September 2021.**
- 2. Approves the closure of St Nicholas, Rowdeford and Larkrise school as a related proposal on the 31 August 2021.**
- 3. Approves expansion on the existing Rowdeford site to accommodate up to 400 pupils as part of the new special school by September 2023.**
- 4. Approves that St Nicholas and Larkrise stay in use on their current sites until the new provision is ready, and it is appropriate for children to transition to the new site at Rowdeford.**
- 5. Notes that, in the event of Cabinet approving the proposals that a final decision by Cabinet would be required following representations.**
- 6. Authorises the Executive Director of Children's Services, after consultation with the Cabinet member for Children, Education and Skills, the Director of Legal, Electoral and Registration Services and Chief Finance Officer/Section 151 Officer to take all necessary steps to implement Cabinet's decision.**

**That this is achieved by:**

- a) Subject to consent of the Secretary of State, approving the issue of a statutory notice and 4-week representation period on the proposal to discontinue St Nicholas, Larkrise and Rowdeford as three separate Special Schools with effect from no later than the 31 August 2021. The notice also to refer to the opening of one new special school from September 2021 under the Opening and Closing Maintained Schools Guidance November 2018.**

- b) Approving that the Council would present a proposal to the School's Adjudicator to open a new maintained special school, subject to conclusions of the representation process.**
- c) Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018, to transfer to the Rowdeford site the provision at St Nicholas and Larkrise. This statutory process would take place no later than 12 months before the opening of the new provision. This would result in the closure of the St Nicholas and Larkrise sites at an appropriate time after the new provision is built.**
- d) Approving that the new school will have primary, secondary and Post 16 provision on the Rowdeford site (early years not to be included due to sufficiency).**
- e) Noting and approving the proposal for a parallel programme of work to create a cross county approach to Post 16 special education and transition to independent living.**
- f) Noting the contribution of changes to special schools within the wider review of SEND, with particular regard to the investment and relationship with mainstream schools, resource bases in primary schools and Enhanced Learning Provision (ELP) in secondary schools.**
- g) Noting the commitment to explore the appropriateness of improving road safety features by including the entrance to the Rowdeford school site within lowered speed limits and exploring the consideration of a pedestrian crossing.**
- h) Noting the commitment to take forward consideration of locating community care health professionals and provision from the Rowdeford school site.**

*Reason for decision:*

*Wiltshire Council must ensure that:*

- 1. There is sufficiency of provision of special school places for children/young people with Severe Learning Difficulties (SLD)/Complex Needs in the north. In addition, there is a need to reduce overcrowding in two of the special schools.*
- 2. Quality of provision is improved. The physical condition of two of our special schools (Larkrise and St Nicholas) is not suitable for expansion or long-term provision.*
- 3. Outcomes for all SEND pupils, including those in mainstream schools, are improved. There is an ambition to provide outreach to mainstream*



*schools from a Centre of Excellence to support the inclusion and improved outcomes of pupils with Moderate Learning Difficulties (MLD).*

- 4. Financial pressures are addressed, both on individual school budgets and on the High Needs Block (the special education funding element of the Local Authority's Dedicated School Grant (DSG) allocated from the DfE for school funding).*

*During the consultation officers heard very strong arguments both against and in support of the proposal for a single school at Rowdeford. Officers have taken particular note in this report of the concerns that were passionately articulated by parents who were opposed to the closure of St Nicholas and Larkrise.*

*Officers have sought, wherever possible, to address the concerns they raised in detail and propose how these might be mitigated.*

## 68 **Urgent Items**

There were no urgent items.

(Duration of meeting: 9.30 am - 3.35 pm)

These decisions were published, earlier, on the 24 May 2019 and will come into force on 4 June 2019

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