

CABINET MEMBER FOR CHILDREN, EDUCATION AND SKILLS AND SOUTH WILTSHIRE RECOVERY

Cllr Pauline Church

EDUCATION AND SKILLS

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REFERENCE: CS-02-19

PROPOSAL TO INCREASE DOWNLAND SCHOOL CAPACITY TO 90 PLANNED PLACES FROM SEPTEMBER 2019

Purpose of Report

1. To approve the Council to make a prescribed alteration to Downland School by expanding the school's current planned places from 69 places to 90 from September 2019

Relevance to the Council's Business Plan

2. In line with the council 2017 – 2027 business plan, there is a clear priority to protect those who are most vulnerable. The goal is to have "schools that help all pupils achieve," including those who, "... are vulnerable to underachievement – including children from low-income families, those in care and those with Special Educational Needs or Disabilities (SEND)"

Main Considerations for the Council

3. Following a period of review and consultation the main consideration is increase the number of planned places at Downland Special School in Devizes to 90 from September 2019. This will;
 - Meet the needs of the growing number of children who have social emotional and mental health needs (SEMH)
 - Support the social, emotional and wellbeing of these students
 - To increase access to provision and outcomes for both boys and girls in Wiltshire who have SEMH (and ASD/learning disabilities)

Background

4. The Council anticipate an additional 661 EHCPs will be needed in Wiltshire by 2026. Of these children and young people, 220 are likely to need a special school place. A current lack of provision in the south requires 71 ASD & SEMH special school pupils to travel from south to north. This research led to a pre-consultation with Downland School regarding expanding places
5. The Pre-Consultation involved planning a work schedule and timeline as per DFE Statutory Guidance: Prescribed Alterations. We worked with the School and produced

the Consultation document which outlined a proposal. During the pre-consultation period, there were no objections to the proposals from parent carers, staff or school governors.

6. It was agreed with Downland School to start the Statutory four-week Consultation period on the 18 July 2019. The statutory requirement is for this period to run for 4 weeks. However, as a 4-week period would run into school holidays representation extended to the 21st September 2019. During this formal consultation period there were no objections to the proposals from parent carers, staff or school governors.

The Outcomes of the Proposal

7. Wiltshire Council is therefore proposing that as from September 2019 Downland School, will increase their planned places to 90. In addition, at this point in time the DfE also gives us discretion to increase planned places by 10% before needing to consider any further permanent change to planned places, which we will be able to review and monitor regularly.
8. This proposal is not expected to have any limiting impact on other local provision including local schools, but should expand opportunity.

Impact

9. For Pupils this will:

- Offer more students with SEMH better educational opportunities
- Support the wider socio-emotional and academic development for these students at Downland
- Better meet the changing needs of young people with SEMH
- Support innovative and high-quality teaching at Downland School.

10. For the school and staff:

- The change to planned places has minimal impact on the Downland School budget.
- There will need to a careful consideration of any safeguarding implications, including behaviour management techniques having more students in the school.
- There will need to be a review of pastoral support mechanisms in the school to ensure that these meet the needs of all pupils
- There will need to be liaison with external colleagues providing support to pupils, particularly school nurses to ensure they are able to plan to meet the needs of all students (e.g. in planning drop-ins etc.)

11. For the Local Authority

- **Capital costs** - The local authority has provided Downlands with £33k of capital funding to make amendments to their dining hall, convert an unused space at the school into a new classroom, as well as improving the outdoor area.
- **Broader Local Offer** - In wider terms it enables Wiltshire to offer a broader range and specialist in-county SEMH provision to more young people, enabling

them to stay closer to their families and have enhanced access to a GCSE programme.

- **Potential Cost savings** - Special Educational Needs provision in Wiltshire is funded through the Dedicated Schools Grant (DSG) and any additional revenue costs or savings would therefore accrue to the overall schools budget. It is also anticipated that by increasing SEMH provision in county, there will be some reduction in the need to invest in out of county placements with independent providers. This a cost saving in purchasing places which are in most cases higher than the cost of in-county placements. This would also potentially enable a reduction in the Local Authorities SEN transport budget where we are obliged to provide transport for all young people with an EHCP.

Safeguarding Considerations

12. Safeguarding is central to the wellbeing of young people educated at Downland school and the high standards in practice will be continually developed with the admission of additional students.

Public Health Implications

13. With increased places, there should be no direct change on the support and engagement with the school nursing service although the service should be engaged with well in advance to ensure that any necessary preparations to enable all pupils to access the school nursing service in the future can be undertaken

Corporate Procurement Implications

14. The main impact for corporate procurement would be to acknowledge that fewer external places may be needed for out of County SEMH educational provision. However SEMH is an area of growth and it may be that there will be a more focused demand for the most complex provision for children/young people with SEMH.

Equalities Impact of the Proposal

15. A careful consultation process has been taken forward which began with informal discussion with the school which culminated in a formal public consultation following Department of Education's publication "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) guidelines. As a service for SEN children; a group the Councils recognises has protected characteristics; the Council ensures that changes in service are not detrimental to their welfare or wellbeing. In this case the decision to increase numbers is increasing equal access.

Environmental and Climate Change Considerations

16. This Proposal has no significant impact on environmental and climate change considerations. There is no significant change expected in the use of energy or utilities. Electricity and other utilities are expected to remain the same in the redeployment of the space. There may be some small positive impact on the carbon footprint related to decreased travel, (where students no longer have to travel to out of county schools), but this will be minimal.

Risk Assessment

17. There are no risks identified.
18. If the decision was not made there would be increased upward pressure on the High Needs Budget and a degree of inequality of opportunity for girls with SEMH

Financial Implications

Capital costs

19. The local authority has provided Downlands with £33k of capital funding to make amendments to their dining hall, convert an unused space at the school into a new classroom, as well as improving the outdoor area.

Potential Cost savings

20. It is also hoped that by increasing SEMH provision in county, there will be some reduction in the need to invest in out of county placements with independent providers. This a cost saving in purchasing places which are in most cases higher than the cost of in-county placements. This would also potentially enable a reduction in the Local Authority SEN transport budget where we are obliged to provide transport for all young people with an EHCP.
21. Overall there should be a net saving to the overall schools budget as places with external providers typically cost an average of £44,000, compared to Downland's £21,000. (Plus travel in both cases)

Legal Implications

22. Downland School is currently a maintained community special school for boys and girls aged between 11 and 16. It is proposed that the number of planned places increases to 90. These changes are proposed by the Local Authority, supported by the Governing Body, and the decision maker is the Local Authority. Such a change to a maintained school is governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 ('the Prescribed Alterations Regulations').
23. When exercising functions under these regulations regard must be had to guidance published by the Department for Education (DfE), including publication "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) guidelines. The process for making these prescribed alterations as set out in the guidance has been followed.
24. The Cabinet Member, as decision maker will need to have regard to further guidance, namely Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals.
25. Consideration has been given to whether or not there are any ethical or governance issues or any Human Rights implications, and none have been identified.

Options considered

- a. To keep planned places the same
- b. To increase planned places to 90

26. Reason for Proposal

- a. Meet the needs of the growing number of students who have social emotional and mental health needs (SEMH)
- b. Support the social, emotional and wellbeing of all students at Downland school
- c. And to ensure equitable access to provision and outcomes for students in Wiltshire who have SEMH (and ASD/learning disabilities)

The proposal - to increase the number of planned places at Downland School from 69 places to 90 from September 2019.

See below for appendices

- Downland Consultation Document (Appendix A)
- Notes from consultation events (Appendix B)
- Written submissions given with consent (Appendix C)

Appendix A

Statutory Consultation

To increase Downland School's capacity to 90 places

Introduction

Wiltshire Council proposes to make a prescribed alteration to Downland School by expanding the school's current net capacity from 69 places to 90 from September 2019. This proposal concerns the increase of places, it is not intended to be a full account of the process of implementing the increase. This will not involve a physical expansion of the current building; the pupils will be accommodated within the existing space.

Should the increase in places to Downland School be agreed, the Council will work with the school to support and develop a detailed implementation plan (which will address any changes in practice and/or estate that are required).

This proposal has been discussed with the Governing Body of Downland School and they are supportive in principle of the increase in places. Arrangements for consultation with other key stakeholders are detailed at the end of this document.

The Proposal

In accordance with Section 19(1) of the Education and Inspections Act 2006 (as amended by the Education Act 2011) and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 **Wiltshire Council are proposing changes to Downland School in Devizes, to increase the school's current capacity from 69 places to 90.**

The Special Educational Need would remain the same as set out on the Downland website as:

"Downland School is a maintained community special school for students aged between 10 and 16 who have an Education Health and Care Plan (EHCP) or a Statement of Special Educational Need (SEN). In most cases the primary identified need is Social, Emotional and Mental Health (SEMH) and behavioural difficulties, although the majority of students have additional special educational needs such as autistic spectrum condition, AD(H)D, speech, language and communication difficulties, opposition defiance and attachment disorders".

Wiltshire Council are making this proposal to:

- Meet the needs of the growing number of children who have social emotional and mental health needs (SEMH)
- Continue to support the social, emotional and wellbeing of the students at Downland school

The case for increasing capacity at Downland School

Wiltshire Council has a statutory duty to secure sufficient school places for pupils with special education needs (Children and Families Act 2014) and to ensure that these places provide both high quality provision and value for money.

The council anticipate an additional 661 EHCPs will be needed in Wiltshire by 2026. Of these children and young people, 220 are likely to need a special school place. It is forecast that approximately 123 are likely to be living in the north of the county.

A current lack of provision in the south requires 71 ASD & SEMH special school pupils to travel from south to north (growth referred to above will sustain the viability of the schools in the north).

We also have a growing population of children and young people with SEMH. Boys continue to have a greater prevalence of SEMH than girls, but there is slow but steady change; and as Downlands is now a co-education setting there is significant demand for places.

The Outcomes of the Proposal

Wiltshire Council is therefore proposing that as from September 2019, Downland School increases the number of places from 69 to 90. The local authority and school will work together to ensure that all admissions are handled effectively and efficiently.

We believe that this will:

- Provide additional capacity to manage demand in special schools within Wiltshire.
- Improve educational outcomes for children that require special school places and who are currently in alternative education provision.

This proposal is not expected to have any limiting impact on other local provision including local schools but should expand opportunity.

Implementation

Following consultation, a full implementation plan will be put together with Downland School.

Costs and Expenditure

The increase in pupil numbers from 69 to 90 has been agreed within the existing accommodation of the school. Downland School will be in receipt of additional funding to offset the increasing in pupil numbers.

Capital costs are anticipated to be in the region of £33,000. However, the local authority assumes responsibility for assessing and meeting these costs.

All statutory consultation requirements relating to these proposals have been complied with.

Signed:

I R Gibbons
Solicitor to the Council
PUBLICATION DATE: 18 July 2019

Consultation Process

<p>Stage 1</p>	<p>Publication</p>	<ul style="list-style-type: none"> • The proposal will be published on Downland School and Wiltshire Council website from 18 July 2019 until 21 September 2019. • A copy of the proposal has been sent to the Governors of Downland School and the Head teacher • Downland school will ensure that the information is released through a circulated update (this may be a paper or electronic newsletter or update) and sent directly to all parent/Carers of all registered pupils • Copies of the proposal will be available via the school, by contacting Wiltshire Council and on the websites. • Comments can be made via E-mail or letter to: Special schools, Downland co-educational consultation, Children’s Commissioning and Performance, Wiltshire Council, Bythesea Rd, Trowbridge, BA14 8JN or SpecialSchools@wiltshire.gov.uk • Comments must be received by no later than the 21 September 2019 to be considered in the decision-making process.
<p>Stage 2</p>	<p>Representation (Formal consultation)</p>	<ul style="list-style-type: none"> • The period of consultation will run from 18 July 2019 to 21 September 2019.
<p>Stage 3</p>	<p>Decision</p>	<ul style="list-style-type: none"> • Following the representation period, a decision will be made between the 22 September and the 22 November at the latest. <p>The proposal can be:</p> <ul style="list-style-type: none"> ○ Accepted ○ Rejected ○ Or accepted with modifications by the proposer <ul style="list-style-type: none"> • The decision will be published within one week of the decision and; <ul style="list-style-type: none"> ○ published on the same sites as the publication ○ Sent to every registered pupil ○ And sent to the governing body

Stage 4	Implementation	<ul style="list-style-type: none"> • The Implementation date is set as the start of the school year 2019/20 • The Secretary of State will be informed by updating the departments Register of Educational Establishments (EduBase) • If the proposal is accepted an implementation plan will be agreed with Downland school.
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Responses

If you would like to comment on the proposals, please contact the Commissioning team using the contacts above by no later than the **21 of September 2019**.

Consultation Response:				
Please circle your role:	Pupil	Parent/carer / family	Governor	Member of staff
Do you agree with the proposal to increase the number of places at Downland School from 69 to 90?	Yes	No	Not sure	
Please Comment:				
Do you think there are other options that should be explored? (please describe)				
Are there any other comments you would like to make?				

APPENDIX B

PROPOSAL TO INCREASE DOWNLAND SCHOOL CAPACITY

Notes from pre-consultation event with staff/governors on 1 July 2019

Please note no staff/governors attended the formal consultation event on 18 Sept 2019

<u>Question</u>	<u>Answer</u>
<p>Questions to Headteacher:</p> <p>Why haven't this been consulted on until now?</p> <p>What would happen if the school had to decrease planned places?</p> <p>Will numbers increase again due to the number of EHCP's we are expecting?</p>	<p>Headteacher addressed increase from 69, 69 was never sustainable and no consultation as the school was looking at going through the academisation process. Structure does not require more staffing and more financially viable at 90 planned places.</p> <p>Reassurances around what would happen if the school had to decrease planned places - if they were an academy they can sell off these places across the country. Also, there could be an opportunity to open as an Alternative Provision as a plan B.</p> <p>Message and vision is that Downlands is part of the solution and vision going forwards, because of the massive demand currently.</p> <p>Headteacher will resume academisation discussion with Governors in September, once this has been confirmed there is no wait time. It is felt this will provide more security.</p>
<p>Question to Local Authority:</p> <p>Is the free school a new site?</p>	<p>Completely new, the proposed site is opposite Pembroke Park Primary School in Salisbury. Vision for the school to accommodate 150 students with ASD/SEMH.</p>
<p>Question to Local Authority:</p> <p>What is the timescale for the free school?</p>	<p>The deadline for prospers submitting a bid is 30th Sept. To date we have 6 academy trusts who have pre-registered an interest in running the new free school.</p>

	<p>Final decision will go to the to Secretary of State, who will make announcement of successful proposer in early 2020.</p> <p>We are anticipating the school to be open 2023.</p>
<p>Question to Local Authority:</p> <p>What about other special schools taking KS5, would the LA consider Downlands taking KS5?</p>	<p>Downlands is welcome to discuss a proposal regarding KS5 students with the local authority</p>

Appendix C

Interest in this consultation:	Do you agree with the proposal to increase the number of places at Downlands?	Do you think there are other options that should be explored?	Other comments	Name	Postcode
Senc-mainstream school, managing needs of students whose echps state 'specialist' but no spaces	Yes	There needs in fact to be a greater increase, to need the needs of Wiltshire families		[REDACTED]	[REDACTED]
I work with families that have children at the school	Yes		I think this is a great idea as we desperately need more provision within the county.	[REDACTED]	[REDACTED]
Staff member of another school in Wiltshire	Yes		Spaces for students with EHCP and additional needs which exceeds the capacity of mainstream and alternative provision are extremely limited in the county.	[REDACTED]	[REDACTED]
Parent/carer or family member	Not sure		I agree providing class sizes are not increased, so there will be more classes, with more staff but current class sizes stay the same. One of the strategies that	[REDACTED]	[REDACTED] 0SU

			work in helping to manage behaviour i s having small class sizes and number of teachers in ratio.		
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Appendix C

From: X [<mailto:x@hotmail.co.uk>]
Sent: 23 June 2019 16:08
To: Field, Leanne <Leanne.Field@wiltshire.gov.uk>
Subject: Meeting at Downland School 01/07/19

Dear Leanne,

Apologies, unfortunately we are unable to attend the meeting on the above date but would like to pass on our comments re the subject of the school expanding from 69 to 90 pupils in September.

Our grandson X has attended the school since January 2019 and we are absolutely delighted with the school, since attending we have seen the positive change in his behaviour and attitude.

We can only say that if other parents/carers benefit from this wonderful school for their children it is a good and positive thing, all children deserve the best education possible for them regardless of their individual special needs.

Our only concern would be that the amazing teachers and staff at Downland would be stretched and subsequently the current pupils may not continue to have the constant support that they are receiving at this moment in time.

Will more staff be appointed to accommodate the newcomers?

Kind regards

X and X (X's Nanny and Grandad)

X (X's Mum)

From: M Loveridge [<mailto:MikeLoveridge@rowdeford.wilts.sch.uk>]
Sent: 19 July 2019 10:35
To: SpecialSchools <SpecialSchools@wiltshire.gov.uk>
Subject: Downland Consultation

To whom it may concern

I would like to take this opportunity to extend my support to the proposed increase of PAN at Downland School. We have significant need for additional spaces to support learners with SEMH and behavioural difficulties in Wiltshire and Downland School is well placed to offer the flexibility required. The school is well led and has recently been confirmed as a 'good' school by Ofsted. Downland School is actively involved in the WISSC group, that supports collaboration between the special schools in the county. This increase in numbers will allow even more opportunities to work collaboratively to provide the best possible provision for all students across Wiltshire.

Kind regards

Mike Loveridge

Head Teacher

Rowdeford School

Devizes