

## AGENDA

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Meeting: **Cabinet**  
Place: **Council Chamber - County Hall, Bythesea Road, Trowbridge,  
BA14 8JN**  
Date: **Tuesday 27 November 2018**  
Time: **9.30 am**

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Please direct any enquiries on this Agenda to Stuart Figini or Libby Johnstone, of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 / 01225 718214 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk) / [Libby.Johnstone@wiltshire.gov.uk](mailto:Libby.Johnstone@wiltshire.gov.uk)

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All public reports referred to on this agenda are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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### Membership:

Cllr Baroness Scott of Bybrook OBE	Leader of Council
Cllr John Thomson	Deputy Leader, and Cabinet Member for Communications, Communities, Leisure and Libraries
Cllr Pauline Church	Cabinet Member for Economic Development and South Wiltshire Recovery
Cllr Richard Clewer	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism
Cllr Laura Mayes	Cabinet Member for Children, Education and Skills
Cllr Toby Sturgis	Cabinet Member for Spatial Planning, Development Management and Property
Cllr Bridget Wayman	Cabinet Member for Highways, Transport and Waste
Cllr Philip Whitehead	Cabinet Member for Finance, Procurement, ICT and Operational Assets
Cllr Jerry Wickham	Cabinet Member for Adult Social Care, Public Health and Public Protection

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## **Public Participation**


Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

The full constitution can be found at [this link](#). Cabinet Procedure rules are found at Part 7.

For assistance on these and other matters please contact the officer named above for details

## Part I

### Items to be considered while the meeting is open to the public

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

1 **Apologies**

2 **Minutes of the previous meeting** (*Pages 7 - 14*)

To confirm and sign the minutes of the Cabinet meeting held on 9<sup>th</sup> October 2018, previously circulated.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Leader's announcements**

5 **Public participation and Questions from Councillors**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Stuart Figini of Democratic Services by 12.00 noon on Wednesday 21<sup>st</sup> November 2018. Anyone wishing to ask a question or make a statement should contact the officer named above.

6 **Consideration of Proposals for the Development of Special Schools for Children and Young People with complex SEND/Severe learning Difficulties** (*Pages 15 - 72*)



Report by Corporate Director Terence Herbert

7 **Service Devolution and Asset Transfer Report - Parish Councils** (*Pages 73 - 82*)



Report by Corporate Director Alistair Cunningham

8 **Freehold of assets to be sold** (*Pages 83 - 92*)

 Report by Corporate Director Alistair Cunningham

9 **Intermediate Care Bed Service** (*Pages 93 - 100*)

 Report by Corporate Director Dr Carlton Brand

10 **Exemption Request – Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing** (*Pages 101 - 108*)

 Report by Corporate Director Dr Carlton Brand

11 **Urgent Items**

Any other items of business, which the Leader agrees to consider as a matter of urgency.

**Part II**

**Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

12 **Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Numbers 13 and 14 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 3 and 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph 5 - information in respect of which a claim to legal professional



privilege could be maintained in legal proceedings.

13 **Intermediate Care Bed Service** (*Pages 109 - 116*)

 Report by Corporate Director Dr Carlton Brand

This item is exempt due to financial and legal information provided in the appendices.

14 **Exemption Request - Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing** (*Pages 117 - 128*)

 Report by Corporate Director Dr Carlton Brand

This item is exempt due to financial and legal information provided in the appendices.

Our vision is to create stronger and more resilient communities. Our priorities are: To protect those who are most vulnerable; to boost the local economy - creating and safeguarding jobs; and to support and empower communities to do more themselves.

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## **CABINET**

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### **MINUTES OF THE CABINET MEETING HELD ON 9 OCTOBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.**

#### **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, Cllr Philip Whitehead and Cllr Jerry Wickham

#### **Also Present:**

Cllr Ian Blair-Pilling, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Richard Gamble, Cllr Gavin Grant, Cllr Deborah Halik, Cllr Darren Henry, Cllr Alan Hill, Cllr Ruth Hopkinson, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Brian Mathew, Cllr Stuart Wheeler, Cllr Graham Wright and Cllr Robert Yuill

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#### **283 Apologies**

There were no apologies received as all members of the Cabinet were present.

#### **284 Minutes of the previous meeting**

The minutes of the meeting held on 25<sup>th</sup> September 2018, were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 25<sup>th</sup> September 2018.**

#### **285 Declarations of Interest**

There were no declarations of interest.

#### **286 Leader's Announcements**

There were no announcements from the Leader.

#### **287 Public participation and Questions from Councillors**

The Leader reminded those present of the process for public participation at meetings.

1. Colin Gale asked a number of questions and made a number of comments regarding the Everleigh Household Recycling Centre on behalf of Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC). Responses had been previously circulated.

Mr Gale then asked a number of supplementary questions on the same matter. The Cabinet Member for Highways, Transport and Waste responded to a number of these questions in the meeting and agreed to have a full set of responses sent to Mr Gale.

2. Charmian Spickernell, local resident of the Pewsey area, made a number of comments about the Everleigh Household Recycling Centre.

## 288 **Care Leavers Council Tax Exemption**

Councillor Laura Mayes presented the report seeking endorsement from Cabinet for the proposed exemption of Wiltshire Care Leavers from Council Tax.

Councillor Mayes reported that following the implementation of the Children and Social Work Act 2017, the Council's duties and responsibilities to care leavers had been extended. Included in the Act was a requirement to publish a Local Offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living. Following broad consultation and analysis of local need a draft Local Offer has been prepared, and the Council planned to publish this ahead of National Care Leaver Week beginning on 22<sup>nd</sup> October 2018. Of the 215 care leavers, 40 would be liable to pay council tax.

The Cabinet noted that The Local Offer had been scrutinised by the Corporate Parenting Panel, a Rapid Scrutiny Working Group and Children's Select Committee, who have endorsed the core elements included in the Offer.

In response to questions raised by Councillor Ruth Hopkinson, about the number of care leavers housed outside of Wiltshire and whether they would also be included in the arrangements, Councillor Mayes confirmed that they would be included in the Offer.

The Cabinet heard from Councillor Philip Whitehead, reported that the total cost of the scheme would be in the region of £60,000 and shared by the Council, Wiltshire Police and Wiltshire and Dorset Fire and Rescue Authority. He confirmed that the Council's share would be absorbed within the Collection Fund, and the other two major precepting authorities detailed above had accepted their share of the cost.

**Recommended to Full Council:**

**That Wiltshire Council Care Leavers are exempted from Council Tax, to include care leavers whom live within and outside the Wiltshire Council boundary, as set out in appendix B to the report.**

*Reason for Decision:*

*This proposal will assist care leavers in, or in preparing for, adulthood and independent living and thus support us in delivering our statutory duties.*

289 **Consultation on the future of Everleigh Household Recycling Centre**

Councillor Bridget Wayman presented the report which provided an update to Cabinet on the results of the public consultation into the future of Everleigh Household Recycling Centre (HRC) in light of the proposal to close the site to avoid capital investment and save the operating costs of keeping this facility open.

Councillor Wayman reported that Everleigh HRC is one of a network of eleven HRC's across Wiltshire operated under contracts with the council. The council, including the waste service, has challenging financial savings targets to achieve for 2018-19 and beyond and site survey results show that Everleigh HRC required capital investment in order to continue to remain open. The HRC has fewer users than the other sites and collects less waste and recycling as a consequence.

The Cabinet noted that a public consultation was undertaken between June and September 2018, where residents were invited to comment on a proposal to close the site and identify the implications this might have. A good response was received with a large majority in favour of retaining the HRC at Everleigh. Many of the responses referred to loss of convenience if the site was closed and expressed concern about the risk of an increase in fly tipping.

Councillor Wayman explained that the impacts of closing Everleigh HRC were not sufficient to justify the capital investment required and the loss of the opportunity for revenue savings which the service and council needed to find. Reference was made to the guidance from the Waste Resources Action Programme about the number of HRC's that should be provided for a given number of residents and the location of these centres in relation to residential developments. It was noted that, if Everleigh HRC was closed, residents would be able to access sites at Marlborough, Devizes or Amesbury within the timescales stated in the guidelines, subject to any traffic delays.

The Leader welcomed the following residents and thanked them for their comments and questions:

- Colin Gale, local resident representing Pewsey Community Area Partnership, Campaign to Protect Rural England and Pewsey Parish Council.

- Curly Haskell, local resident and Chair of Pewsey Parish Council
- Charmian Spickernell, local resident and Campaign to Protect Rural England
- John Forder, local resident

The Leader referred to the comments in a letter received from Tidworth Town Council expressing concern about the proposed closure of the Everleigh HRC.

Councillors Jerry Kunckler, Stuart Wheeler, local members, commented on: the outstanding work undertaken and meetings attended over many months by Colin Gale on behalf of local residents and organisations in the Pewsey area; historical background of the HRC; outcomes of the consultation; the location of the site and convenience to residents; the ability of residents to travel to other sites further afield; potential for the Ministry of Defence using the site; including commercial waste in the sites waste streams; potential for mothballing the site; the impact on other council services if the site remained open; the preservation of services within financial constraints; increasing the opening times of other local sites; and recent increase in usage of the site. In addition, the contents of a letter from Councillor Paul Oatway QPM were read out at the meeting.

In response to a series of questions and comments from Councillors Jerry Kunckler, Stuart Wheeler, as detailed above, and Councillors Ian Blair-Pilling Brian Mathew, Alan Hill, Ruth Hopkinson, Toby Sturgis, Jerry Wickham and Philip Whitehead, Councillor Wayman stated: all options to retain the centre at Everleigh and undertake necessary repairs had been considered; that robust measures were being taken by the Council in tackling fly-tipping, and referred to a recent prosecution of a persistent fly-tipper who received a prison sentence for their fly-tipping activities; repairs to the HRC in Salisbury; as a consequence of demographics and the geographical positioning of towns and villages in Wiltshire, a large number of residents living in rural areas travelled longer distances to their local HRC's; financial savings within the revenue budget; the recent increase in number of recyclable materials collected from households, therefore, potentially reducing the demand for journeys to HRC's; and, the comments received as a result of the consultation feedback, along with the preferences of the local community.

The Cabinet heard from Councillor Graham Wright, Chairman of the Overview and Scrutiny Management Committee, who: offered to include a review of the way the Council undertakes consultations and assesses the results to assist policy development in the Management Committee Forward Work Plan; and read out a letter from Councillor Sven Hocking, Chairman of the Waste Contracts Task Group.

**Resolved:**

- i) **To note the results of the public consultation undertaken on the proposal to close Everleigh HRC**
- ii) **Approves the closure of Everleigh HRC as proposed.**

*Reason for Decision:*

1. *The proposed option generates the combination of the greatest annual revenue saving coupled with avoidance of additional in-year capital spend.*
2. *Although the consultation responses show high local opposition to the proposal, the risks of not taking the proposed action are greater than those associated with closing Everleigh HRC.*

290 **Microsoft Contract and Digital Update**

Councillor Philip Whitehead presented the report which provided an update to Cabinet on the Cloud Navigator Programme proposal and decision made to enter into the contract with both Microsoft and Thoughtonomy.

Councillor Whitehead highlighted that The Microsoft Cloud Navigator programme would deliver a suite of interdependent digital initiatives that would be developed and enhanced to achieve both short and long term outcomes of the Councils digital strategy and the over-arching business plan. Details of how the programme would enable the Council to achieve these outcomes were detailed in the report.

**Resolved: To note that:**

- i) The Council entered into the G-Cloud 9 Call-Off Contract with the supplier Microsoft Limited (MCS – Public Sector) on 29 June 2018.**
- ii) The Council entered into the G-Cloud 9 Call-Off Contract with the supplier Thoughtonomy Limited on 29 June 2018.**
- iii) The decision to enter into the contracts was made by the Corporate Director for Communities, Resources and Digital after consultation with the Cabinet Member for Finance, Procurement, ICT and Operational Assets, Corporate Director for Growth, Investment and Place, Corporate Director for Children and Education and the Director of Finance and Procurement.**
- iv) The progress of the Microsoft Navigator programme.**

*Reason for Decision:*

*The provide an update on the Cloud Navigator Programme proposal and decision made to enter into the contract with both Microsoft and Thoughtonomy*

291 **Housing Revenue Account Additional Borrowing Programme**

Councillor Richard Clewer presented the report seeking Cabinet endorsement of the bid submitted to Homes England for HRA Borrowing approval and for Homes England grant funding. A successful bid would enable the delivery of 49 new affordable rented council homes and increase the HRA debt cap by £7.5m.

Councillor Clewer reported that the bid for HRA borrowing approval had to balance the competitiveness of the request for borrowing, the amount of HE social housing grant required and deliverability of the proposed developments. A fund of £200m was being made available to local Authorities outside London, that could demonstrate affordability pressures where average private sector rents are £50 a week more than average affordable rents. The bids would be assessed against the three criteria of: value for money, deliverability and affordability. The outcome of the bid was expected in Autumn 2018 and following this revised indebtedness determinations would be made for April 2019.

The Cabinet noted that the bid proposed the delivery of 49 units of accommodation across 16 sites, 14 of which were held in the HRA and two that were held in the Council's general fund. The bid would increase the HRA debt cap from £127m to £134.5m, with a total scheme costs estimated to be £9.48m. This would be funded from £7.51m borrowing approval, £1.36m RTB receipts and £0.61m Homes England grant funding. All the schemes would pay back within 30 years and peak additional borrowing would be in 2020/21.

In response to a question raised by Councillor Stuart Wheeler about the Council's ability to borrow funds against housing stocks, Councillor Clewer confirmed that the Council was considering potential opportunities in relation to this.

In response to a question raised by Councillor Ruth Hopkinson about the need for additional affordable housing in the north of the county, Councillor Clewer explained that, apart from the Salisbury area, the Council's housing stock had been transferred to Housing Association's and they also had the ability to bid for grant funding and develop the land in their ownership. Councillor Clewer further explained that once the outcome of the bid was known, Councillors would be able to suggest potential sites for development.

**Resolved:**

- i) To endorse the bid to Homes England for £7.51 million additional borrowing approval and £0.61m Homes England grant funding.**
- ii) To endorse the use of £1.36 million Right to buy capital receipts to part fund the overall development, subject to the success of the funding bid.**
- iii) To endorse a programme to develop 49 new affordable homes across 16 sites as set out in appendix A to the report, subject to the success of the bid and planning permission.**



*Reason for Decision:*

*The bid for funding if successful will deliver additional funding and borrowing approval to deliver 49 affordable homes across the County for people in housing need.*

292 **Urgent Items**

There were no urgent items.

293 **Exclusion of the Press and Public**

**Resolved**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 9 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

294 **Housing Revenue Account Additional Borrowing Programme**

The meeting considered information about the proposed schemes contained in the exempt report when making their decision as detailed in minute 291 above.

(Duration of meeting: 9.30 - 11.30 am)

These decisions were published, earlier, on the 11<sup>th</sup> October 2018 and will come into force on 19<sup>th</sup> October 2018

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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**Wiltshire Council  
Cabinet 27 November 2018**

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**Subject: Consideration of Proposals for the Development of Special Schools for Children and Young People with complex SEND/Severe learning Difficulties**

**Cabinet member: Councillor Laura Mayes Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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## **Executive Summary**

This report sets out proposals to expand capacity in special schools for pupils with complex needs with a £20m investment in a new state of the art Centre of Excellence. It outlines the outcomes of consultation on the options presented to Cabinet in May 2018 and recommends an option to provide a special purpose built school with, well equipped, small classes on a centrally located spacious site in a central location for the north of the county, with separate post 16 provision as part of wider commitment to develop centres of excellence for children and young people with SEND across the county.

The recommendation is that a new school replaces the existing three in Chippenham, Trowbridge and Rowde is based on the current Rowdeford site, with additional new build on adjacent Council owned land. This proposal:

- Enables the Council and its partners to develop a Centre of Excellence for special education needs in a central location for the north of the county to provide outreach and in-reach in professional relationships with mainstream schools, matching a similar role for Exeter House in the south;
- Retains the excellent outdoor facilities at Rowdeford which were valued by the majority of respondents;
- Provides excellent facilities to replace those which are currently overcrowded;
- Offers a futureproof solution which will allow growth beyond the current planned number of 350;
- Avoids concerns about a “super school” covering all SEND designations which is not seen as child-friendly;
- It provides children and young people with a lively community setting
- Ensures future educational provision for current pupils at Rowdeford whose needs cannot be met at present in mainstream education;
- Gives the best non-congested access for travel from both Trowbridge and Chippenham as well as more distant areas and provides a cohesive transport solution which will result in a potential reduction annually of up to £0.25m in travel costs;

- Enables flexible deployment of staff and reduced management costs thereby ensuring that resources are directed to the classroom, and allows flexibility of provision for different needs across a number of buildings;
- Provides the most cost-effective solution both in terms of capital (£20m) and revenue spend.

In addition it is proposed that in parallel to the development in Rowde, action is also taken in partnership with Somerset Rd Education Trust to develop the provision at Exeter House, Salisbury to become a centre of excellence for the south of the county.

## **Proposals**

That having considered the outcome of the consultation and officer analysis, Cabinet:

- i. Approves consultation on the establishment of a new special school with buildings using the existing Rowdeford site and a new build adjacent.
- ii. Approves the issue of a subsequent statutory notice of a proposal to discontinue St Nicholas, Larkrise and Rowdeford Special Schools with effect from 31<sup>st</sup> August 2023 at the latest. The notice also to refer to the opening of a new special school from 1<sup>st</sup> September 2023
- iii. Notes that, in the event of Cabinet approving the issue of a statutory notice, there would be a four-week statutory period for representations on the closure proposals and that a final decision by Cabinet would be required. It is anticipated that this decision will come to Cabinet in March 2019
- iv. Approves a parallel non-statutory consultation on a proposed specification for the new provision, so that the Council can undertake the process of identifying a preferred provider to be recommended to the Secretary of State
- v. Notes and supports the proposal for a parallel programme to create a cross county approach to Post 16 special education, including provision in Chippenham and Trowbridge.
- vi. Notes and supports the proposal for a parallel programme to develop the outreach provision from Exeter House, Salisbury.

## **Reason for Proposals**

Wiltshire Council has a statutory duty to secure sufficient school places and quality provision for all pupils with special education needs (SEND) and to ensure that these places and provision provide both high quality support, education and value for money. The proposals outlined in this report will enable the Council to meet this duty.

Terence Herbert, Corporate Director

**Subject: Consideration of Proposals for the Development of Special Schools for Children and Young People with complex SEND/Severe learning Difficulties**

**Cabinet member: Councillor Laura Mayes, Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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### **Purpose of the Report**

1. The purpose of this report is to:
  - i) Report on the results of the recent consultation on the future of special school provision for pupils with complex needs/severe learning disabilities in Wiltshire
  - ii) Recommend an option to meet the Council's statutory duty to ensure sufficiency, quality and value for money for provision. If agreed, the Council will need to undertake a statutory consultation to close schools
  - iii) Propose a non-statutory consultation on a specification to open a new provision to replace schools which would close.
  - iv) Propose a wider model of support that ensures that all children and young people with SEND, not only those who need a special school, receive a quality education.

### **Relevance to the Council's Business Plan**

2. This work on Wiltshire's Special School provision is relevant to the following Business Plan 2017-2022 priorities:
  - i) Priority: Growing the economy
    - High quality special educational provision in all schools; ensuring that all pupils achieve the best possible outcomes and go on to enjoy the best start to adult life
  - ii) Priority: Strong Communities
    - Focus on delivering the educational provision, in-county, that children and young people with special education needs and/ or disability (SEND) require – the right education provision, at the right time, in the right place
  - iii) Priority: Protecting those who are most vulnerable

- Ensuring that children and young people with SEND can have the best education and support, provided in good quality estate
  - Ensuring that special education provision in Wiltshire is equitably provided, reducing the number of pupils who must travel excessive distances to school
  - Special education provision that is better aligned with other related services (community health services, social care, and mental health for example) to improve access to, and provision of, required support
- iv) Priority: Innovative and effective council
- Doing things differently to ensure that the Council can meet its statutory duties to provide the right education provision in the face of a rising population and growing demand
  - Improving the focus on outcomes for all pupils with SEND

## Background

3. This report follows a number of reports to Cabinet, the most recent of which were in May 2018 and November 2017. Previous reports clearly set out the case for change which includes:
- i) Sufficiency of provision – an additional 220 special school places are needed across the county by 2026, including growth of 50 places for Severe Learning Difficulties (SLD)/Complex Needs in the north. In addition, there is a need to reduce overcrowding in two of the special schools. It is widely accepted that both Larkrise and St Nicholas are accommodating significantly more pupils than appropriate, based upon current DfE guidance.
  - ii) Quality of Provision – the physical condition of two of our special schools (Larkrise and St Nicholas) is not suitable for expansion or long-term provision. Additionally, there is no Outstanding special school provision in Wiltshire and there is an ambition to have a Centre of Excellence in a central location for the north of the County.
  - iii) Pupil Outcomes – 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). *In-reach* offers similar pupils, based in mainstream, opportunities to learn at a centre of excellence. Additionally, there is a cohort of pupils at Rowdeford whose needs cannot currently be met within mainstream or SLD provision, but thrive in the dedicated provision (see annex 1: Vision).
  - iv) Financial Pressures – 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). Over the next three years it is projected

that the current three special schools will have a total budget deficit exceeding £1m. It is also estimated that if the Council does not secure sufficient in-house provision it will spend approximately £9.4m more by 2026 for the projected additional independent special school spaces required as an alternative. This expenditure is estimated to increase to £2.1m annually thereafter. This cost is driven by placing children in independent provision which is significantly more expensive, and because there are very few places, even in independent schools, within easy distance of the county. New placements are, therefore, highly likely to be more expensive residential placements rather than day placements. Such an approach would be contrary to Wiltshire Council's vision that children live and learn in the county. An increased reliance on residential placements would not only place additional financial pressure on the high needs block, translating into costly packages of care as children transition to adult services, but also reduce the likelihood of young people becoming members of their community.

4. In May 2018, Cabinet agreed that officers should consult on the following options:
  - i) Option 1 – Create a single new school in the Chippenham, Trowbridge or Devizes area
  - ii) Option 2 – Develop 2 schools
  - iii) Option 3 – Develop 3 school locations
  
5. The following principles have underpinned the development of the proposals outlined in the report:
  - i) Putting Children and young people first
    - Listening to children and young people and thinking about how the proposals will benefit them now and in the future.
  
  - ii) Quality:
    - Ensure that special school education in the north of the county secures the very best outcomes for children and young people with SEND
    - Provide outstanding provision in a Centre of Excellence (see annex 1).
  
  - iii) Coherence:
    - Ensure special education provision can meet the needs of pupils with increased complexity and co-morbidity of conditions.

- MLD is seen increasingly as an unhelpful term with children with lower level of needs supported within mainstream education. There is, however, a cohort of pupils at Rowdeford whose needs cannot, at present, be met in mainstream or in an SLD/Complex Needs school.
  - The ambition is that pupils with MLD may in the future have their needs met in mainstream education, supported from the Centre of Excellence. Wiltshire is special in that most other Local Authorities do not have this opportunity.
- iv) Environment:
- Ensure that any provision is fit for the future in terms of a learning environment.
  - Provide opportunities for future expansion if needed. Planners have identified that Larkrise and St Nicholas lack space to continue in their current sites and Rowdeford itself currently has space for modest expansion, but can utilise adjacent council-owned land. This might also include establishing residential provision in the future so we do not have to place children requiring specialist provision out of county.
- v) Statutory Duties:
- We have a statutory duty to review and plan sufficiency of special needs provision to ensure placements meet assessed needs.
  - Meet the anticipated growth of 220 places by 2026.
- vi) Value for Money:
- Ensure the financial viability of any future provision: the three current schools are experiencing financial challenges and run the risk of being unviable in their current form in the future.
  - Reduce the financial risk of the Local Authority on the High Needs Block (HNB) by reducing reliance on independent special schools.

### **Main Considerations for the Council**

6. A pre-statutory consultation approved by Cabinet in May took place and ended on the 31<sup>st</sup> July with school meetings for parents, staff, pupils and governors, a dedicated email address, online survey material and correspondence amounting to over 900 responses. The process enabled Wiltshire parents/carers, special school staff and governors, mainstream



schools, and Wiltshire residents as well as key stakeholders (health, parish councils etc) to respond.

7. Appendix 2 provides a detailed analysis of the consultation feedback. Key messages from the consultation were:

- i) Staff are more significant than buildings – the most important factor for respondents is the quality of the staff. 72% of respondents said that special schools must have experienced staff in a warm and caring atmosphere.
- ii) The second most important factor was the ability to develop skills for adult life.
- iii) Size was seen as important – respondents felt it was crucial that spaces felt manageable. Concerns expressed in the consultation were around the anxiety and stress children might feel in a very large “super school” with children with all SEND designations, rather than the idea of one school in itself.
- iv) Support for the Three Ways school<sup>1</sup> (a large “outstanding” special school) in Bath by some parents who would like a similar school in a Wiltshire location.
- v) There was a recognition of overcrowding with the current provision.
- vi) Community matters – 90% of the respondents lived in either Chippenham, Trowbridge or Devizes and 71% of respondents wanted the three-school option (one in each of the town areas).
- vii) Devizes, Rowde was the preferred location if there is a single school. Retaining Rowdeford had the greatest support.
- viii) Good facilities are needed – a number of respondents emphasised the wide range of facilities available; Rowdeford school, particularly has access to outside space
- ix) Travel is a key factor both in environmental terms but also ensuring travel times are no greater and preferably shorter than currently experienced by pupils.

8. Appendix 3 outlines the outcome of the consultation with pupils at Larkrise, St Nicholas and Rowdeford. Key messages were:

- i) Pupils like their school.
- ii) Travel is less of an issue – many stated that they enjoyed travelling to school.
- iii) Space is important – pupils at Larkrise and St Nicholas wanted more space or ‘big schools’.
- iv) Pupils want a family atmosphere, however, there was little apprehension about going to a larger school.

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<sup>1</sup> <https://vimeo.com/125658741> - an inspirational short video about what we could achieve.

9. Appendix 4 provides feedback from providers and stakeholders. Key messages include:

- i) A headteacher of a large outstanding special school (300+ pupils) articulated the advantages of a large school including:
  - Recruitment and retention of staff;
  - Larger staff group with wide range of experience and expertise under one roof;
  - The ability to create zones so that the school does not seem big and noisy.
  
- ii) A SEND consultant (and former head of 400+ pupil special school) who argued that bigger schools are a way of putting money into classrooms as opposed to management.

### **10. Analysis of the Options**

The analysis looks at:

- A single school option
- A two school option
- A Three school option
- Potential sites
- Post 16

### **11. Single School:**

<b>Advantages</b>	<b>Disadvantages</b>
Potential due to size to: <ul style="list-style-type: none"> <li>• Develop a centre of excellence</li> <li>• Attract and retain professionals with a wide range of skills and specialties</li> <li>• Known large schools attract community support and engagement (Three Ways example)</li> </ul>	<ul style="list-style-type: none"> <li>• Least popular option for consultees</li> <li>• Perceived as daunting due to mixed messages about multiple SEND designations</li> <li>• Unfamiliar</li> </ul>
<ul style="list-style-type: none"> <li>• Can address issues of size by creating 'zones' or buildings to meet different needs of pupils</li> <li>• May reduce budget on management and shift more resources to the classroom</li> <li>• Offers potential future expansion</li> <li>• Small class sizes can continue</li> </ul>	<ul style="list-style-type: none"> <li>• Concern about creating a "super" school which would be too big</li> </ul>
Cited examples of effective large special schools such as Three Ways school in Bath and	Parents at Larkrise (Trowbridge) and St Nicholas (Chippenham)

Ysgol Y Deri <sup>2</sup> (Vale of Glamorgan) and The Milestones in Gloucestershire <sup>3</sup> .	each expressed concern about a single location in the other town
Strong community presence that can add value	Concerns about loss of existing community links
Depending on location would be the most cost-effective capital option (£20m for a combination of Rowdeford & new build)	If this were solely a new build for 350+ pupils the estimated cost is £27m (i.e. not the most cost-effective solution)
A cohesive transport solution	Need to re-plan transport routes

Although a single site was not the consultees' preferred option, there are, depending on location, advantages to this model as outlined above. Wholescale new build is not the most efficient option in terms of capital cost, and there were strongly felt arguments through the consultation about not having a 'super' school catering for the full range of needs. The benefits of a single complex needs/SLD school, however, could be achieved through a solution using existing facilities and sensitive siting of facilities across a large overall area.

**12. Two schools (either a single school with split site or 2 schools located in 2 different towns):**

(i) Firstly, a split site model:

<b>Advantages</b>	<b>Disadvantages</b>
A split site may retain the advantages of a large school to: <ul style="list-style-type: none"> <li>• Develop a centre of excellence</li> <li>• Attract professionals with a wide range of skills and specialisations</li> </ul>	Organisational needs of split-site operation
A good community presence that can add value	Concerns about losing existing community links
Reduction in management costs so more resources can be directed to the classroom	Cost of split-site
A cohesive transport solution if the two sites are located close together	<ul style="list-style-type: none"> <li>• More complex than a one site</li> <li>• Depending on location may increase travel times</li> </ul>

<sup>2</sup> <http://fluencycontent2-schoolwebsite.netdna-ssl.com/FileCluster/YsgolYDderi/MainFolder/Prospectus-2016/YYD-Prospectus-2015.pdf>

<sup>3</sup> [https://themilestoneschool.co.uk/files/1915/1015/2754/Prospectus\\_Nov\\_17.pdf](https://themilestoneschool.co.uk/files/1915/1015/2754/Prospectus_Nov_17.pdf)

Can address issues of size by using sites/zones or buildings to meet different needs of pupils	
Offers potential future expansion	
Depending on location and use of existing facilities could be a cost-effective capital option.	

(ii) Secondly, a two-school model:

<b>Advantages</b>	<b>Disadvantages</b>
Some reduction in management costs so more resources can be directed to the classroom (but less benefits realisation than a split site model)	Potentially the most expensive option: a 2-school model requiring 2 new builds will cost in the region of £34.6m
Addresses concerns about a 'super' school being created	Would not have the same advantages of a large school to: <ul style="list-style-type: none"> <li>• Develop a centre of excellence</li> <li>• Attract professionals with a wide range of skills and specialisations</li> </ul>
Potential to locate in major centres with existing schools and community links – Chippenham and Trowbridge	Actual availability of sites for the necessary larger schools constrains this option: no sites at town centres and access/ brownfield development issues  Loss of Rowdeford, the provision best-supported by consultees and offering unique MLD/complex provision
"Spreads" the transport	No cohesive transport solution as the schools would reasonably be too far apart
Two schools of about 175 places would offer some benefits of larger-scale operation	Duplication of specialist resources at two separate schools

If Rowdeford School (150 pupils) were maintained, an additional site could be built adjacent to Rowde Primary School which would be an efficient capital option (estimated £20m). Maintaining a school on the current Rowdeford site was a preferred option for respondents. It has also been suggested that a two-school option could include Rowdeford and a location in Melksham, but no Melksham site is available. The option of two schools with new builds in Trowbridge and Chippenham would be the most expensive capital solution (£34.6m). It is recommended that an option using Rowdeford site should be pursued further owing to the factors outlined above.

### 13. Three Schools:

Advantages	Disadvantages
Option supported by consultees	<ul style="list-style-type: none"> <li>• Existing Chippenham and Trowbridge sites not fit for purpose in the long term.</li> <li>• Minimum capital cost of £24m (assuming Rowdeford retained - the cost of 3 new builds would be considerably higher)</li> </ul>
Would maintain existing community links	<ul style="list-style-type: none"> <li>• No benefits of economies of scale and impact on revenue costs.</li> <li>• Small schools are financially unsustainable</li> <li>• The existing schools are running in-year deficits and long-term are financially unviable. On the current budget plans, the schools would build up a cumulative deficit of £1m which will continue to grow in the next 3 years. (In the event of any closures or forced academy conversions, any deficit would revert to the LA)</li> </ul>
Schools' familiarity commands stakeholder loyalty	<p>Would have none of the quality advantages a large school would bring i.e.</p> <ul style="list-style-type: none"> <li>• Ability to develop a Centre of Excellence</li> <li>• Attract teachers with a wide range of skills and specialisms</li> <li>• Reduce management costs to direct resources to the classroom</li> <li>• Employ in house professionals such as Education Psychologists, rather than contracting-in consultants</li> </ul>
No change in transport times	No cohesive transport solution, and the current difficulties would be retained

As well as the capital cost and continued revenue pressure of maintaining three schools, there are few sustainable advantages to having this model which could not be replicated in other ways. This option is, therefore, not recommended.

## Potential Sites

14. Several site options have been explored. Appendices 5,6 and 7 provide more detail in respect of building and travel options. There are three areas of greatest growth in housing in Chippenham, Trowbridge and Salisbury; however, there is also equivalent if not greater growth in the combined housing across the wider towns in Wiltshire. Therefore, whilst these sites of significant housing growth are important, the chosen sites/site for the centres of Excellence has to be accessible for all communities across the north and the south of the county:

**i) *New build in Chippenham and Trowbridge:***

- This is an expensive option with an estimated capital cost of £34.6m for two new schools. Retention of Rowdeford would reduce those costs
- A site is available in Chippenham next to Abbeyfield school, although it is over 2 miles from the town centre,
- Trowbridge greenfield sites are challenging in planning terms and unlikely to be viable: use of Ashton St would mean a split site, congested access and operation of the school with an on-going building project incurring additional brownfield development costs;
- Significant support in the consultation was given to Rowdeford;
- Professionally there are challenging issues as to where pupils currently educated at Rowdeford could realistically be educated: there is no other MLD/complex provision in Wiltshire;
- Two sites could bring about a potential reduction in travel costs of an estimated £0.1m per annum, but would add to already congested travel routes;
- The distance between two sites in Chippenham and Trowbridge would make sharing staff difficult and therefore this would not have the advantages of a split site with buildings located close to each other.

Owing to the disadvantages of cost, suitable site availability and distance between sites as outlined above, this option is not recommended.

**ii) *Two sites keeping Rowdeford and building a new site by Rowde Primary School:***

- Retention of the Rowdeford School facilities was supported by the majority of consultees;
- Of all the greenfield sites considered, Rowde was preferred by planners;
- Access to both a rural and town based community
- This is a cost-effective solution with capital costs estimated at £20m;
- The close location of both sites would ease sharing of staff;
- The Rowdeford school site offers outdoor facilities and a unique offer for vulnerable MLD/complex pupils;
- Gives best non-congested access for travel from both Trowbridge and Chippenham as well as more distant areas;

- Provides a future proof option as can grow beyond the current 350 planned need;
- It is anticipated that the location of both sites close together will provide a cohesive transport solution which will result in a potential reduction of up to £0.25m in travel costs.

Owing to the advantages of this location, officers recommend that any split site option would need to be around Rowdeford and Rowde

**iii) Two sites – keeping Rowdeford and building a new site in Melksham:**

- Melksham would appear in theory to offer a two-site solution with clear proximity to Trowbridge and Chippenham;
- The distance between Melksham and Rowdeford (approx. 5.5 miles) would make sharing staff between the 2 sites very difficult and would, therefore, cost more in revenue;
- As the sites would be apart there would not be the scale of efficiencies for travel costs as a Rowdeford/Rowde split option;
- There will be issues around increasing transport in a congested traffic area
- There is no suitable site available in Melksham (see Appendix 5 and 6)

This is not a viable option as no suitable site is available.

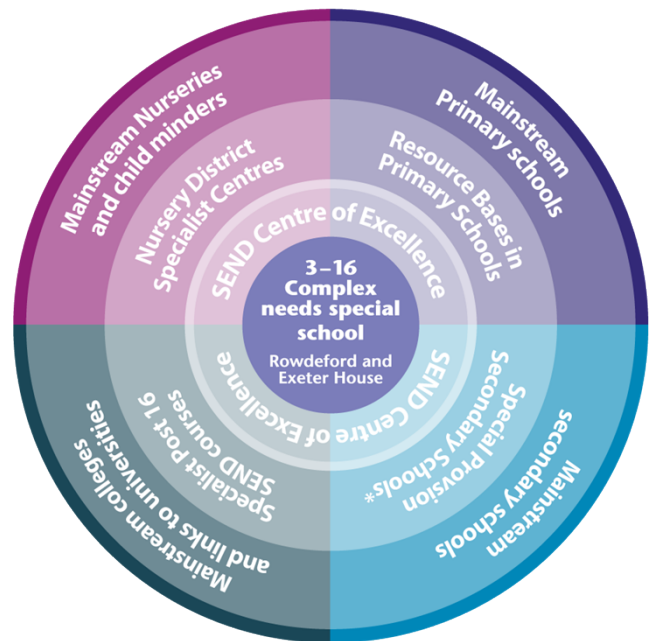
**iv) One site – keeping Rowdeford with new build on adjacent land:**

- This provides all the advantages of (ii) above, without the disadvantage of a split site:
- Retention of the Rowdeford School facilities was supported by the majority of consultees;
- Access to both a rural and town based community
- This is a cost-effective solution with capital costs estimated at £20m;
- The location of adjacent sites would ease sharing of staff;
- The Rowdeford school site offers outdoor facilities and a unique offer for vulnerable MLD/complex pupils;
- Gives best non-congested access for travel from both Trowbridge and Chippenham as well as more distant areas;
- Provides a future proof option as can grow beyond the current 350 planned need;
- Offers some planning challenges, but which it is considered can be overcome
- It is anticipated that the location of will provide a cohesive transport solution which will result in a potential reduction of up to £0.25m in travel costs.

15. Further sites were considered, particularly the Ashton Street site which was given particular support from parents/carers and governors at Larkrise School. Appendices 5 and 6 assess the reasons why these sites were not recommended.

16. In conclusion, officers recommend a Rowdeford-based single school.

This is a cost-effective solution and provides the opportunity to develop a high quality educational environment for our children and young people. That vision is expressed in the graphic here, and in annex 1. The solution also addresses concerns consultees raised about a “super school” by having all the advantages of a larger school but enabling us to establish smaller learning environments across a large site area. Although there were concerns that children would be displaced from their local communities, Appendix 8: *Where Children Live* shows that children come from across the county and often from locations at a distance from where their schools are sited: for example, 58% of children travelling to Larkrise do not live in Trowbridge and 67% of children travelling to St. Nicholas do not live in Chippenham. Rowde is an active community close to Devizes with good bus routes and access to good community facilities. The new school will be able to build on and add to this community potentially with its own café, gardens and community events.



for example, 58% of children travelling to Larkrise do not live in Trowbridge and 67% of children travelling to St. Nicholas do not live in Chippenham. Rowde is an active community close to Devizes with good bus routes and access to good community facilities. The new school will be able to build on and add to this community potentially with its own café, gardens and community events.

### Post 16 Provision

17. The next element of this report puts forward officer views, reflected in the Children’s Select Committee’s recommendations, in respect of separate post-16 provision. It is proposed that the new school would have an age range of 3-16.

18. New post 16 special school provision would allow a focus on Preparing for Adulthood outcomes (employment, independent living, health and community) for young people with SEND. At 16, learners would move to transition hubs close to their own local communities. There would be key hubs in Chippenham and Trowbridge. There could also be the possibility of partnering with Fairfield College in Dilton Marsh to use their facilities, and with Wiltshire and Swindon Colleges and other providers for the same purpose. This would mean less travel for young people and the chance to start building their adult life locally from the age of 16.

19. Wiltshire Council has also built relationships with other outstanding local providers of post-16 education who can support the development of employment, independent living and community curriculum and opportunities.



A number of learners are currently well supported in this way. These providers are engaged for learners directly by the council, or learners may use a personal budget to develop their own support. Wiltshire Employment Support Team (WEST) and Community Connecting Team support curriculum and community opportunities from age 16 and ensure a straightforward supported transition into employment, supported employment, supported internships, apprenticeships and traineeships.

20. Wiltshire Council works in partnership with Wiltshire College, Fairfield College and Swindon College to offer supported internships for young people. The colleges provide a work-focused curriculum with work experience; WEST provides job coaching and arranges working interviews for young people. Wiltshire's track record is successful: nationally, 36% of supported internships result in paid employment, compared with a national average employment rate of just 7% for people with moderate to severe learning difficulties. (These figures include young people who are working for just a few hours a week). The Wiltshire Supported Internship now supports over 50% interns to achieve paid employment, well above the national average. In Wiltshire this is meaningful, sustainable paid employment of 16 hours or more per week.

21. It is therefore proposed to extend this post-16 policy which would:

- a. Build on the success of the current arrangements
- b. Utilise under-used facilities and LA funded places at Wiltshire College sites
- c. Address concerns of consultees that young people have the opportunity to develop the skills to prepare for adulthood within the communities close to where they live not just in the locality of their school.

22. The development of Post 16 education along with the development of Centre of Excellence with outreach work by Rowdeford are critical factors to the successful outcomes not only of this plan but for Wiltshire's SEND children and the future. The Local Authority will work intensively with partners and stakeholders to deliver this vision.

### **Next Steps**

23. If the recommended option to have a 3-16 school based at Rowdeford is agreed in due course, this would result in the closure of the three existing schools - a decision for the Local Authority which maintains those schools. A parallel process of establishing a new school, which by law must be an academy, would need to take place. Appendix 9 outlines in more detail the next steps and statutory guidance for closures.

24. In order to close the three schools by 31<sup>st</sup> August 2023 and open a new school with a split site by 1<sup>st</sup> September 2023 we would need to:
- i. Publish a statutory notice proposing closures and explaining proposals for future provision;
  - ii. Undertake a statutory consultation about the proposals in the notice;
  - iii. Bring a paper back to cabinet (March 2019) for final decision;
  - iv. Undertake a non-statutory consultation on the specification for the new provision;
  - v. Put in place a transition plan for implementation to ensure the successful transition of all pupils from the closed schools. The new school would meet the full range of needs seen at the existing schools with the addition of more places for more complex needs
  - vi. Develop a project plan for the development of post 16 provision across the county
  - vii. Open up conversations with Exeter House to create the parallel 3 – 16 model in the south of the county.

### **Human Resources Implications**

25. These are all Local Authority maintained schools and their staff valued employees of Wiltshire Council. The Council's HR processes would be fully implemented in the respect of this reorganisation to ensure equity of process across the three schools. Staff would be expected to be subject to TUPE transfer to the new school and this would address concerns that there could be a loss of skilled staff who know our children. Further HR implications would be explored more fully at the point when a specification for the new provision has been agreed.

### **Overview and scrutiny**

26. There has been a scrutiny group running alongside the development of the proposals which reported at the last cabinet meeting in May 2018.

### **Safeguarding Implications**

27. There are no anticipated safeguarding issues arising from this proposal. Special school pupils are vulnerable and this proposal seeks to enable better co-ordinated and consistent approaches to their support.

### **Public Health Implications**

28. The provision of education, especially in a SEND context, positively contributes to population health and wellbeing. Access to education plays a vital role in providing the foundations needed to ensure that pupils have the best start in life, given them the ability to learning and understand about health and wellbeing and have the opportunity to live healthier lives.

## **Procurement Implications**

29. None at this stage: the potential, subject to due process and procurement regulations, would be for building contracts, which would be let according to the Council's policies, and also a recommendation to the Secretary of State for a strategic partnership as a sponsor for a new school. Consideration has been given to the potential advantage of a strategic partnership with a commercial developer in a building project, but any such advantage is seen to be negligible in terms of the interests for which the Council is responsible.

## **Environment and Climate Change Considerations**

30. Any new build would be subject to planning, design and building regulations consistent with addressing these factors. There would be a reduced number of buildings, using up-to-date designs and technologies, therefore with lower energy consumption and carbon emissions.

## **Risks that may arise if the proposed decision and related work is not taken**

31. The risk of not taking action is that revenue costs of having to place pupils in independent special schools would significantly increase, consistent with the explanation in the financial analyses in this report.
32. As noted by the Children's Select Committee Task group, there is also the need to act swiftly as possible. There are many families whose wellbeing over the next few years will be dependent upon timely decision making. The Local Authority has worked carefully over the past three years to ensure that the right solution is arrived at and no possible solution is missed or misunderstood, but is also mindful of how delay impacts on family life and wellbeing.

## **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

33. Risks include the possibilities of delay in a major building project, problems with staff transferring to a new location and legal challenge to decision making. A programme management approach will be taken with appropriate resources allocated, risk management strategies embedded and co-production at the centre.

## **Equalities Impact of the Proposal**

34. The proposal supports the establishment of better provision for children and young people with special educational needs. An equalities impact assessment was completed as part of the earlier cabinet reports in November 2017.

## **Financial Implications**

35. The implications of this proposal affect three elements of the Council's financial plans. These are: capital programme; Dedicated Schools Grant; General Fund budget.

36. One of the primary drivers for the review of special school provision was the increasing financial cost of out of county provision at independent schools. The entire review, covering the county as a whole, is planned to provide an additional 220 funded pupil places reflecting pupil growth of that number. This report contributes 50 of those 220 additional funded places, but also addresses the existing shortfall in physical built space because Larkrise and St Nicholas accommodation constrains admissions leading to pressure for out-of-county placements.

### Capital Programme

37. The estimated capital costs (building cost) of each option are set out in Appendix 10. Each option allows for: 50 additional places; further places to reduce existing overcrowding and; an improvement in the conditional of school building. The gross costs vary from £20 million to £34.6 million; the net cost, after realising a capital receipt from the resultant surplus sites, ranges from £16 million to £29.6 million. The recommended option has the lowest cost, £20 million (£16 million net).

38. External sources of capital finance are very limited. The council could pursue funding through the free school route but this is already heavily over-subscribed and as such seems a distant possibility. The priority for a Wiltshire free school bid was the new special school in Salisbury planned to provide up to 150 places, addressing pre-existing geographical imbalance with a shortfall of places in the south, and growth in autism. If the proposed Rowdeford-based school was set up as a 'preferred academy' the expectation is that the local authority would have to provide the necessary capital finance.

39. There is no provision in the current capital programme and currently no identified external source of finance. Therefore, the assumption is that the Council will have to borrow to pay for any investment, with the consequence that there will be additional loan repayment costs falling on the revenue budget (see below).

### Dedicated Schools Grant

40. The cost of special schools and out of county placements is met from the high needs block of the dedicated schools grant (DSG). The recent budget monitoring report to the Cabinet makes mention of the increasing difficulty of containing expenditure within the high needs block. This position is not unique to Wiltshire. Looking ahead, the projection of pupil numbers will see a greater strain on DSG and when this is coupled with the 'hardening' of the national funding formula for schools, it is highly likely that any shortfall in the high needs block will spill over into the council's general fund budget.

41. The creation of an additional 50 places should avoid recurrent DSG revenue costs of £2.2 million. The High Needs Block is under significant financial pressure and so the costs avoided would not release budget but would avoid a future overspend.

### General Fund

42. As mentioned above, it would seem that any resource shortfall in the high needs block of DSG will become a call on the general fund. The council's medium term financial plan already forecasts a continuing need to identify means of reducing budget spend, through a combination of income generation and savings in expenditure. The potential impact of increased numbers of pupils with special educational needs is not factored into these forecasts.
43. It is clear that the council needs to act to mitigate the effect of increased pupil numbers. However, because it is likely the council will have to borrow to finance the build costs, this will result in borrowing costs on the general fund. It is not possible to charge these costs against DSG. Based on the preferred option, the borrowing cost that would have to be met in the first full year would be in the order of £0.970 million. Members need to be aware that this is factored into the current medium term financial plan and represents a fixed additional annual cost that will have to be met from savings elsewhere in the council's budget as part of the annual budget setting process.
44. One further implication could be the balances held by the current schools. If a school has surplus balances immediately prior to the point of amalgamation or closure this is transferred for the benefit of the new school. However, if it is deficit balance exists then the amount must be met by the council from its own resources. At 31 March 2018, all schools were in a surplus position but 2 out of the 3 are forecasting in-year deficits in 2018-19. All 3 special schools are projecting in-year deficits for each of the ensuing 4 years, with an overall collective deficit of £1.758M by the end of 2022-23.

### General

45. The council is in a difficult position. Without a change in the planned operation of the high needs block within DSG and an increase nationally in high needs funding, the council needs to plan for additional costs falling on the general fund. This can be mitigated to some extent by the option now proposed, which however will result in debt costs falling on the council. The council does not receive any funding for schools over-and-above DSG and therefore schools-related expenditure now falling on an already stretched general fund budget is an unwelcome additional pressure. The high needs block of the dedicated schools grant funding from the DfE is currently

forecasting an overspend and following the work of a task and finish group (High Needs Working Group) comprising Heads, a Parent Carer representative and Council Officers a report including further proposed mitigations to reduce spending levels will be shared with Schools Forum at their December meeting.

46. There are choices to be made in responding to the consultation. None of these is funded; however, if an option were chosen other than the one now recommended the result would be an even higher level of unfunded costs.

### **Legal Implications**

47. Procedures for closing and opening schools are subject to statutory guidance which is outlined in Appendix 9.

### **Recommendations**

48. The recommended option is that use is made of the existing Rowdeford site with a new build on adjacent Council owned land. This proposal:

- Enables the Council and its partners to develop a Centre of Excellence for special education needs in the north of the county to provide outreach and in-reach in professional relationships with mainstream schools, matching a similar role for Exeter House in the south;
- Retains the excellent outdoor facilities at Rowdeford which were valued by the majority of respondents;
- Provides excellent facilities to replace those which are currently overcrowded;
- Offers a futureproof solution which will allow growth beyond the current planned number of 350;
- Avoids concerns about a “super school” covering all SEND designations which is not seen as child-friendly;
- It provides children and young people with a lively community setting
- Ensures future educational provision for current pupils at Rowdeford whose needs cannot be met at present in mainstream education;
- Gives the best non-congested access for travel from both Trowbridge and Chippenham as well as more distant areas and provides a cohesive transport solution which will result in a potential reduction annually of up to £0.25m in travel costs;
- Enables flexible deployment of staff and reduced management costs thereby ensuring that resources are directed to the classroom, and allows flexibility of provision for different needs across a number of buildings;
- Provides the most cost-effective solution both in terms of capital (£20m) and revenue spend.



49. It is, therefore, proposed that Cabinet:

- Approves the establishment of a new special school with buildings using the existing Rowdeford site and a new build adjacent.
- Approves the issue of a subsequent statutory notice of a proposal to discontinue St Nicholas, Larkrise and Rowdeford Special Schools with effect from 31<sup>st</sup> August 2023 at the latest. The notice also to refer to the opening of a new special school from 1<sup>st</sup> September 2023
- Notes that, in the event of Cabinet approving the issue of a statutory notice, there would be a four-week statutory period for representations on the closure proposals and that a final decision by Cabinet would be required. It is anticipated that this decision will come to Cabinet in March 2019
- Approves a parallel non-statutory consultation on a proposed specification for the new provision, so that the Council can undertake the process of identifying a preferred provider to be recommended to the Secretary of State
- Notes and supports the proposal for a parallel programme to create a cross county approach to Post 16 special education, including provision in Chippenham and Trowbridge.
- Notes and supports the proposal for a parallel programme to develop the outreach provision from Exeter House, Salisbury.

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# **Special Schools Cabinet Paper**

## **Appendices 1 – 10**

**27<sup>th</sup> November 2018**



**Appendix 1 - The Vision**

**Appendix 2 - Analysis of Consultation Feedback**

**Appendix 3 - Summary Student Voice**

**Appendix 4 - Consultation Feedback from Provider/Stakeholder**

**Appendix 5 - Land Survey Summary**

**Appendix 6 - Details of Unsuitable Sites**

**Appendix 7 - Transport Analysis**

**Appendix 8 - Where Children Live**

**Appendix 9 - Statutory Guidance for Closures: The Five-Stage Process**

**Appendix 10 - Financial assessment**

# A Vision for Special Education in Wiltshire



Three years ago we set out to review our plans to meet the needs of the growing numbers of children and young people with SEND in Wiltshire. Our success in delivering services for them, supported by the Ofsted and Quality Care Commission inspection in 2017<sup>1</sup>, is now a platform to ensure that every child/young person has access to an outstanding education that offers:

- **The best provision** – we want every child/young person with SEND (special educational needs/disabilities) to have a brilliant education, and for mainstream schools to access expertise in inclusion from our local special schools.
- **The best expertise** – excellent practice shared across Wiltshire to grow confidence and support for people who work with children and young people with SEND in every school and setting.
- **The best resources** – specialist support, care and up-to-date facilities, meeting the demands of growing numbers of children and young people with higher levels of complexity.
- **The best community support** – our children and young people, wherever they live and go to school, to have links to communities and other local schools.
- **The best start in life** – for every child/young person with SEND in the county.
- **The best preparation for adulthood** – at the right time, for every young person with SEND, allowing them opportunities to live and work with the most independence.

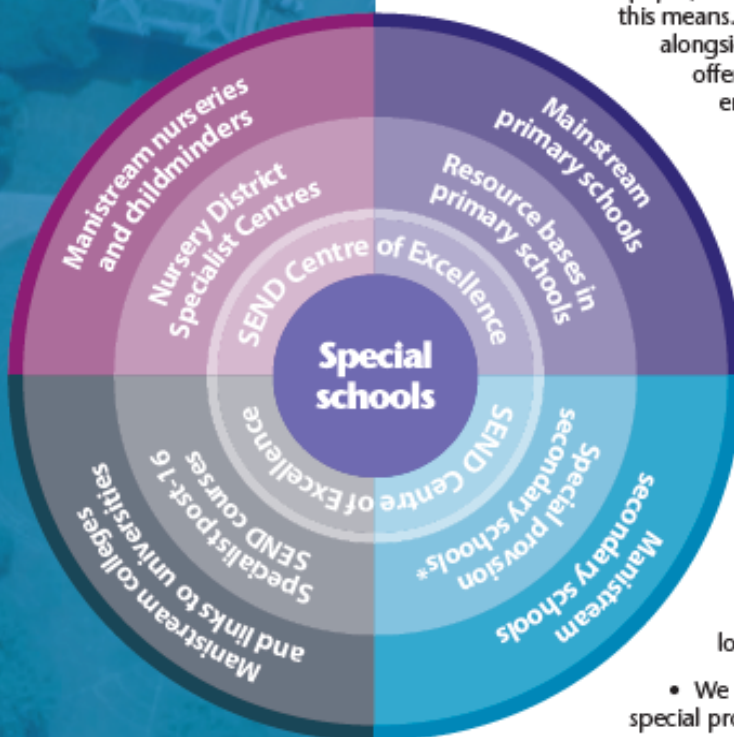
Right now, our special schools are full and are not as good or as well-equipped as modern new builds. We want to create the best new spaces for all our pupils, and are committed to the major investments this means. We know this project will have to work alongside all the public services the council must offer to Wiltshire's communities, so we have to ensure we find a cost-effective answer. This is about one vision and one plan. Through the consultation we now understand what everybody needs and wants, and are ready to put our plans into action.

**Key to our vision is the establishment of two centres of excellence for Wiltshire (one in the north and one in the south of the county) which can be hubs for all SEND education.**

- We intend to link our four district specialist nurseries to their local centre of excellence.

- We will work with schools to have a special centre (or resource base) in at least one primary school in each key locality linked to their centre of excellence.

- We want every secondary school to have a special provision linked to these centres.



<sup>1</sup> <https://reports.ofsted.gov.uk/local-authorities/wiltshire>  
 \* Enhanced Learning Provision



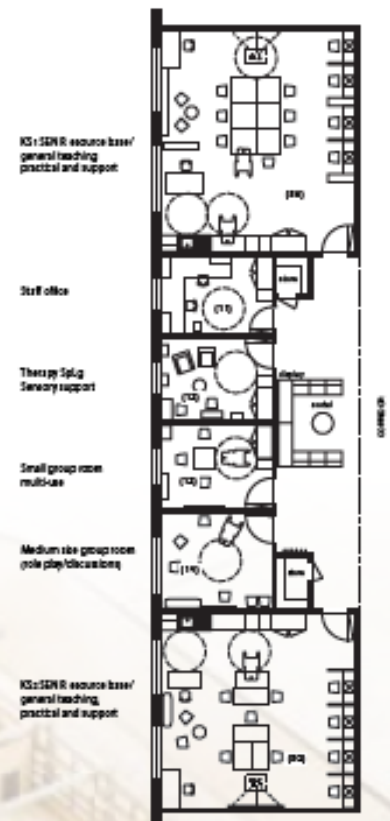
This model will ensure that all children and young people with SEND will benefit from:

- **Great teaching** from a consistent, well trained, appropriately paid, caring, specialist and committed group of staff. They will be national leaders and experts in SEND because they can all be supported and trained together.
- **Well-resourced environments** with the right facilities: hydro-pools, sensory rooms, physiotherapy facilities, open outdoor space and close to communities.
- **Access to enough high-quality support teams** offering sensory therapy, physiotherapy, speech and language therapy, family and play therapy, care and support.
- **Aspirational and transformative leadership** that can lead the specialist provision, but also challenge and support practice across all our schools, nursery settings and colleges.
- **Accessible and meaningful engagement with local communities.** For example, our vision is to have cafés, community gardens and playing fields open to local residents.
- **Travel time from home** that feels appropriate and comparable for all children and young people with SEND across the county.
- **Human scale<sup>2</sup>, quality buildings<sup>3</sup>** meeting the need for safe, friendly, calm and engaging places.
- **Inclusive engagement with all children and young people** e.g. close to or linked to mainstream primary, secondary and post-16 provision, offering similar opportunities for life transitions, challenge and support e.g. changing schools, learning to use local facilities such as buses, leisure centres, shops, libraries and social facilities.

We believe we can achieve all this by extending some of the existing campuses as centres of excellence. We need to use sites that are on good road routes, geographically central to the home locations of children/ young people with SEND and have space to expand.

### How to make this happen

- One vision and one plan – the best one for everyone.
- We will consult with stakeholders throughout the process.
- Over the next three years we will expand the appropriate campuses, and work with them to ensure the best expertise in staff is transferred from the other schools.
- We will appoint specialist leaders to work with all schools and special bases in mainstream to create a training and development plan.
- Work closely with district specialist nurseries to ensure every child gets a good start.
- We will build on the nationally recognised excellence in Wiltshire's post-16 approaches so that every young person with SEND can transition into adulthood in their community.<sup>4</sup>



<sup>2</sup> <http://www.hse.org.uk/downloads/training/HumanScalebyDesignbyMikeDavies.pdf>  
<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/276698/Bulldn\\_102\\_designing\\_for\\_disabled\\_children\\_and\\_children\\_with\\_SEN.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/276698/Bulldn_102_designing_for_disabled_children_and_children_with_SEN.pdf)  
<sup>4</sup> <https://www.gov.uk/government/speeches/education-secretary-makes-inaugural-speech-to-childrens-services-sector>



## Appendix 2: Analysis of consultation feedback

### 1. Introduction

Wiltshire council has undertaken extensive research and has identified three potential options for the future provision of special schools. Over the last few months Wiltshire Council has conducted a special school consultation where they enquired of the public regarding the future of special school provision in Wiltshire. This consultation received over 915 responses from members of the public and allowed the participants to leave further comments at the end of the survey if they wished. Over 200 respondents opted to leave a further comment, where they discussed other factors they believe should be taken in to account for the future provision of special schools in Wiltshire. This report will be highlighting some common themes that have been raised during the consultation; it will also be looking at comments provided by the public submitted through a petition made on change.org.

### 2. The three options

The first potential option was to create one new school for pupils with special learning difficulties/ complex needs based in the Chippenham, Trowbridge or Devizes areas. Having just one special school for children and young people with SLD would benefit the children and their development, as there would be additional specialist staff in one place who are able to provide support to a wider range of needs. The second option is to develop two sites for special schools based in the same areas; by having two sites instead of one, children and young people might be more likely to feel they are part of the local community leaving them feeling more content in education which will positively impact their development. The third option is to develop three special school locations for pupils with SLD/ complex needs in either the Chippenham, Trowbridge or Devizes areas. Having three locations for special schools will ensure that current relationships already built between children and young people in the area will remain, this gives the children a greater chance of continuing friendships outside and inside school.

### 3. Findings

The consultation showed 71% preferred a three school option. This option was to develop three special schools in the Chippenham, Trowbridge or Devizes areas. The consultation shows that 90% of respondents either lived in Chippenham, Trowbridge or Devizes. The respondents provided their own reasons as to why this option is the most suitable one: the comments made such as "*the three schools already have links with their local communities: in this day and age this should be embraced and built upon*" shows that it is felt of great importance to build and develop strong local community bonds, and fear that this may be negatively affected if children and young people had to travel long distances from their community to another area.

Only 12% of respondents thought that the first option to create one new school for all pupils with SLD/complex needs was the most suitable. Some of the recurring concerns that the public made in the consultation were around travel; having one school in Wiltshire would mean that children and young people attending this school would have to travel for longer periods of time, which would result in

their already long school day becoming even longer. Children and young people with SLD/ complex needs are likely to have increased levels of stress and anxiety and this could be amplified with longer travel times. Similarly, over 40 of the comments expressed apprehensions regarding the one school approach, citing stress and anxiety as an issue. An example of this is one comment made *“Children with complex needs often suffer from anxiety, fear of large places, hate noisy environments and need the support of staff in a close and supporting environment. The suggestion of one school may sound financially acceptable but it will NOT meet the demands of these children and is more likely to increase their anxieties and lack of confidence.”* Which expresses how significant and disruptive a change like this could be to the children and young people’s mental health. Based on the respondents’ views it would be important to ensure that:

- There are smaller spaces even if within a larger build
- There are specific arrangements made to ensure there are familiar faces with strong bonds between the staff and pupils, could help extend the students’ education and social skills.
- That travel times are no greater and preferably shorter than currently experienced by students.

#### 4. Location

Respondents were given the option of which one of the three locations they would prefer if the one school option was to be chosen. **The Devizes area had most votes**, this may be because of the three locations, Devizes is most central in Wiltshire meaning easier travel for the majority of people, and Devizes already currently already has the biggest special school (Rowdeford) meaning it would be less of a drastic change for these students. The map shows how centrally located Rowdeford is.



#### 5. Important factors to consider

The last question before the comments section in the consultation was “How important to you are the following factors when considering the future provision of special schools in Wiltshire?” **The factor that was deemed most important was for special schools to have highly experienced staff in a warm and caring atmosphere and this factor was chosen by 72% of participants.** It is important for a school to have experienced and skilled staff who are able to provide support to a range children and young people with SLD/complete needs, a comment was made about the staff *“Staff helped with my confidence, I gained confidence and prepared for work”*. This comment highlights the importance of having specialist staff because they are not only able to help the pupils develop educationally but also personally. **The importance of personal development was clear because the second most voted for factor was that schools have access to facilities that teach young people to develop skills for adult life beyond schools and this received 70% of the votes.** Some of the comments provided were



from both past and present pupils of some of the special schools and they shared their thoughts *“I learnt to cook my own food and become more independent”*.

The comments and experiences of the pupils and former pupils of special schools show how appreciated current provision is.

## 6. Further comments

At the end of the questionnaire the respondents were given the option to leave any other comments about factors that should be taken into account. The most popular theme in these comments were around the location and facilities of schools and these comments ranged from both negative and positive comments around the location/facilities of schools. The feedback from the comments showed that Rowdeford school has a range of facilities including; grass and tarmac playgrounds; athletics track; woodland; outdoor learning and many other facilities that are highly valued and contribute to the development of these pupils. *“Outdoor facilities for sport and gardening are of huge therapeutic importance. Rowdeford School has these, as well as care and teaching.”* Other special schools such as St Nicholas and Larkrise have limited facilities compared to Rowdeford; comments do show that the most desired facility for schools is good outdoor facilities so that pupils can learn outside.

There is an expectation for the special schools to work with their pupils to expose them to wider experiences and further development. Comments have indicated that when students learn outside the classroom it can significantly impact on their attainment.

A summary of the most common themes can be found below:

Location and Facilities	Travel	Money	Mixed Designation	Importance of Therapies & wider experiences	Comments about needs of children other than SLD in the north	It is a bad idea	Support for one of our existing schools	Concerns about disruption to pupils	Direct support for one school
45	37	15	9	38	5	32	42	25	10

The consultation has proven to be a very effective platform to allow the public to share their thoughts, a lot of the public took the chance to comment further and this provided more detail around the factors they would like to see in relation to the future provision of special schools. Rowdeford school was mentioned 50 times in the comment section: both staff and pupils have gone to great lengths detailing the positive impacts the school has had on them.

Members of the public have also used the internet as a platform to share their thoughts and ‘save Rowdeford Special School’ via a petition created on change.org <https://www.change.org/p/save-rowdeford-special-school> this petition now has over 8300 signatures. This petition further reinforces the strength of the outdoor provision the school provides “Outdoor Learning is so



important to Rowdeford School because it opens doors to rewarding and sustainable futures in the community and workplaces for young people with special needs. Working outdoors helps students to learn more about themselves and grow in confidence”.

In addition, Larkrise school also took forward a petition receiving 3,311 signatures with a focus on utilising a former adult centre to expand Larkrise school, with significant number of comments focusing on the good work of Larkrise school. *“It’s an amazing school that is needed for all the beautiful children with additional needs” and “I am supporting this cause to keep Larkrise School in Trowbridge open because my son attended the school from 2007 until 2015. It really is a special place and should be kept open for the sake of the children whose needs MUST be put first.”*

### Save Rowdeford Special School

Linda Bell started this petition to Councillor Graham Payne

3,311 have signed. Let's get to 5,000!

ARNIE'S ARMY are asking for your help in signing this petition to help them obtain Ashton Street Adult Centre for LARKRISE SCHOOL, Trowbridge, Wiltshire.

The school is at threat of closure or merger with other schools which would cause significant upset and major disruption for the children who attend this Special Needs School. These children are already facing daily struggles, it is not fair for them to be forced to move schools and travel further afield. Ashton Street Adult Centre is a PURPOSE BUILT PROPERTY which is based just a few yards from their doorstep and is perfect to help expand (and save) this amazing school!

Tracy Cowan signed this petition

Mark O'Shaughnessy signed this petition

First name


Last name

Email

Devices: SMO United Kingdom

Yes! Tell me if this petition wins, and how I can help other relevant petitions

focusing on the good work of Larkrise school. *“It’s an amazing school that is needed for all the beautiful children with additional needs” and “I am supporting this cause to keep Larkrise School in Trowbridge open because my son attended the school from 2007 until 2015. It really is a special place and should be kept open for the sake of the children whose needs MUST be put first.”*



8,492 have signed. Let's get to 10,000!

Marjorie Keam signed 8 hours ago

Dani Clancy signed 2 days ago

First name

Last name

Email

Devices: SMO United Kingdom

Yes! Tell me if this petition wins, and how I can help other relevant petitions

No, I do not want to hear about this petition's progress or other relevant petitions.

Rowdeford Special School started this petition to Wiltshire Council Cllr Baroness Scott of Bybrook CBE

The future of Rowdeford School is in doubt. Please sign our petition to urge Wiltshire Council to keep the school on the

The public response has however, been somewhat hampered by some of the content of the petitions and media reporting which has led members of the public to believe that this is about removing and closing schools. Thus, many of the comments on both sites specifically pertain to not closing schools, for example *“These children have many issues to deal with. The closure of this school would just add to their plight”* and *“Schools like this are so incredibly important it is a disgrace to consider closing it”*. This has not helped parent/carers and has led to unnecessary levels of worry and concern.

Further to this Wiltshire Council has also received 15 individual responses which expanded on the thoughts above. We are particularly grateful to these respondents who in a number of cases took considerable time and effort to give very detailed and well researched replies to the consultation. Each of these have been specifically shared with councillors and senior leaders to inform forward proposals.

## 7. Summary

To summarise, there has been an overwhelming response from the public both through the formal consultation led by Wiltshire Council and the more informal petitions led by two of the schools Rowdeford and Larkrise.

Some clear reflections arise from the consultation:

- This is matter which is of concern to many people in Wiltshire who want to ensure that children and young people with SEND in Wiltshire receive the best possible education
- There is strong support for keeping Rowdeford and Larkrise school, with the strongest being for Rowdeford
- There is acknowledgement that the priority is giving good support and preparation for adulthood over buildings and finances.
- That schools should be part of communities and have good facilities and resources
- That from public opinion and travel concerns the Rowde/Rowdeford location seems particularly important.

Finally, we would like to thank everyone who has taken to time to engage in the consultation through the surveys and petitions. It has been extremely helpful and given a clear appreciation of the priorities and issues that will continue to be at the forefront of future decision and proposals.



## Appendix 3: Summary student voice

### St Nicholas, Rowdeford and Larkrise School - 26 July 2018

**1. Purpose of consultation:** To seek student views of their school in the context of the review of special school provision in North Wiltshire.

### **2. Methodology and management information**

Consultations took place with school councils from Larkrise, St. Nicholas and Rowdeford schools. 26 students attended three sessions and 22 actively took part. In addition, Rowdeford students submitted drawings, poems, and statements about their school. Staff from all three schools enabled children to access the discussions. For some, the concepts were difficult to grasp.

A brief introduction explained that more school places will be needed in Wiltshire in the future. The consultation was intended to understand what children like about school (what's important to retain), the communities they go to school in (how important are established community links), and the journeys they take to get there (is travelling problematic?).

### **3. Findings**

#### **3.1 School life**

All students reported that they like their schools and could explain why. This included a wide range of responses including:

- Friends
- Small class sizes
- A family atmosphere
- Being outside and outside space
- Gardens, trees
- The animals (Rowdeford)
- Learning
- Trips to town (leisure centre, cafes, cinema, park) – helps us to learn
  - Outings (Longleat)
- Good, nice, caring teachers whom we know
- Buddy systems (that mean we feel cared for)
- A happy atmosphere
- Classrooms that are designed to help us learn
- Calm zones where we can go if we feel stressed out



- Coffee shop and the cake we can have there
- Bubbles from the bubble machine
- Travelling by minibus
- Swimming

### 3.2 The community

Students could explain what they liked about the local town and their links with the community, which included:

- Going to the leisure centre
- Going to the museum
- Training, such as travel training, safe places and stranger danger – in the park and town, the cinema, cafes
- Trips e.g. to Longleat
- Walks
- Being together

I like the workshop  
because I have one at home  
and it make feel calm.



### 3.3 Travelling to school

Many of the children travelled to school by minibus or taxi. Almost all stated this as something they enjoyed – it was a sociable or relaxing time. One young person explained that his journey was almost two hours long each way but that he liked it as he got to spend time with friends. Another young person, with a similar journey length, expressed a wish for school to be closer to home as the journey was too long.

### 3.4 Space

For all children, space was important. Rowdeford students appreciated the space that they had and felt that this an important feature of their learning – to be able to use outdoor classrooms, engage with the animals, garden etc. Students at Larkrise expressed the need for more space to be able to do more learning, and some St Nicholas students expressed a preference for 'big schools' – perhaps because of their familiarity with Hardenhuish where they have sports day and do a variety of activities.

#### 4. Conclusions

Overwhelmingly, students were happy at school. Relationships with friends and teachers seemed to be the most important feature, and what was described as a 'family atmosphere'. Whilst there did not seem to be any apprehension about growing schools to become larger, the focus on small class sizes was important, as was the need to know everybody.

Links with the community were a strength throughout as these offered informal, life-skill opportunities, as well as a sense of 'belonging'. Students at Rowdeford had a strong connection to the outdoors, with many references to the animals (and the relationships they had with them), space to take themselves off to if they felt stressed or under pressure, and alternative ways of learning. Larkrise and St. Nicholas touched upon a preference for larger schools but further, more specialist, consultation would be needed to understand what the benefits of larger schools are understood to be by the students, e.g. more space, more friends, more facilities.

Importantly, whilst there were common threads in this piece of work students had their own personal views and needs which would be captured through the EHCP review process.



## Appendix 4: Consultation feedback from provider/other stakeholders

### Headteacher

The council has received comments from the headteacher of a large special school (300+ pupils / 3 successive outstanding judgements) about running a successful large special school:

- *I was not here when the school was 'born' so do not know how the LA reassured parents about the size. Certainly it does not seem to be an issue to parents who come to look round but I guess it has a proven track record now. I joined the school 4 years after it opened and it certainly was not an issue to parents even then. We have created a couple of quieter zones for pupils who find the hub bub of the main school too busy. We have The Haven which is a suite of rooms with its own door and is for 8 pupils who need calm and quiet. Most other parents like the fact that the atmosphere is happy and relaxed and the school does not seem big and daunting. They like that we have segregated play areas based on size of pupils and they also like that there is scope for lots of social interactions due to the size.*
- *With hindsight it would have been good to have established 3 such units across the school when it opened. It gives the chance to mix or the chance to stay in the quiet haven.*
- *I think there is a lot to be said for one big school - it feels like a community and staff tend to stay as there are always opportunities to work in a different area of the school and lots of promotion opportunities without needing to move school.*
- *Parents also like that we have such a large group of staff with a huge spread of experience and expertise under the 1 roof...whatever problem they are having with their child there will be staff who have experience or expertise in that area.*
- *The general rule from the LA re transport seems to be no pupil should be on a transport for more than 50 mins either end of the day. I guess this is easy to achieve as we do have other specials schools spread across the county...*
- *We have many links with real life through our active learning approach and our social and life skills programme. Pupils are out and about all the time. We also have good links with mainstream schools and also have many visitors from the community. We run a community café for the local area too.*

### Consultant

Further comments are from a specialist SEND consultant who recently conducted a special school review in a SW unitary LA, and is ex-Headteacher of another large special school (400+ pupils / whole county on one site + post-16 site and link to a mainstream school / outstanding & good judgements). His experience means he is supportive of a single school covering a wide area, asserting that split site works too, and he would design pods of age-appropriate facilities on a single site for a large operation. He liked the idea of co-location with a primary school as with the Rowde village site. For community links, his view is you build your own wherever your special school is.

For his school, there had been issues around perceptions of size being in conflict with meeting needs, but he sees bigger schools as ways of putting money into classrooms as opposed to management. Journey times for pupils were 1hr15 maximum. He has led training

in Rowdeford and sees it as not dealing with straightforward Moderate Learning Difficulties (MLD) or pupils who should be in mainstream, but rather those with a degree of cognitive need to which is added the growth we know has impacted and will continue with ASD (Autistic Spectrum Disorder), ADHD (Attention Deficit Hyperactivity Disorder) and genetic disorders. Comments below from his review report reflect that, and are relevant to how the needs of Rowdeford pupils should be understood:

- *ASC (Autism Spectrum Conditions) and SEMH were seen as the main areas of concern. There is also concern over the very complex medically vulnerable pupils that are arriving in schools. Premature birth is seen by Heads as a continuing cause for concern, as the needs of this ever-growing population in their schools cause significant challenges.*
- *Most children with EHCPs attend special schools “Special Schools are working with a cohort of children whose needs are more complex than a decade ago”*
- *All Head Teachers agreed that the term Moderate Learning Difficulties is a redundant terminology, when reflecting upon the complex needs of their population. ASC has grown significantly across all establishments.*
- *Capacity, Suitability and Complexity are the issues that keep occurring in almost all conversations.*
- *It is evidently clear that a single designation of MLD does not now exist.*

#### Rowde Parish Council

Rowde Parish Council strongly supports the continuation of Rowdeford School and its educational provision for children with specialist communication needs. The village values the School, its students and staff. Students from Rowdeford School are often involved in local activities at the primary school, Rowde C of E Primary Academy; at St. Matthew’s Church for church services and supporting local events such as the Annual Flower, Vegetable and Handicraft Show. This local integration would be lost if one large Special school is created for the whole of the north of the County. With footpaths surrounding Rowdeford School, students are able to access the countryside and walk to the local café, the Rowdey Cow, for example. There is a huge benefit for the students from the school being sited where it is.

Rowde prides itself on being an inclusive community which supports and provides for children and adults with learning difficulties. In addition to Rowdeford School, Rowde is home to a residential complex for adults with learning difficulties and physical needs. HfT (Home Farm Trust) is located in Furlong Close, off Marsh Lane in Rowde. Members of the whole community are integrated and living together in a unique environment. Many local people are employed at Rowdeford School: teaching staff; teaching assistants; office staff; cleaning staff and groundsmen. Local businesses rent the space outside of school hours. Judo lessons take place there, dog training lessons, and many fund-raising events. It would be a huge loss to the community if Rowdeford School was to close.

The Parish Council understands that there is plenty of space on the site of Rowdeford School to create greater capacity for more pupils. It would be supportive of any applications to increase classroom space on the site.

## Appendix 5: Land Survey Summary

Site	Site size	Site Capacity <sup>1</sup>	Planning summary from Pre-applications	Capital cost	Comments
Land at and adjacent to Rowdeford School	Up to 6.35 hectares	350 + pupils	Expansion of the existing school by constructing new additional facilities on the agricultural field to the north, integrated with the facilities at the existing school site will be likely to require highway improvements in the vicinity of the access, subject to a Transport Assessment but a sensitively designed scheme would enable a continuation of a viable use for the existing listed building and would be in line with the recently published NPPF guidance	Circa £27m (for 350)	Would need to use adjacent land, otherwise limited to a very small expansion. Max 20 pupils. The field is large enough to accommodate a site out of the flood zone, and the existing tree belt and new buildings between it and the listed building protect the setting of the latter.
Adjacent Rowde Primary School <sup>2</sup>	Up to 5.38 hectares	350 + pupils	Site has some constraints (open countryside) but good for transport links. Better opportunity to provide school.	Circa £27m (for 350)	Existing school adjoining. Centrally located in County and close to existing SEN provision. Location of school <i>might</i> unlock further Council owned land for development or for future expansion.
Larkrise / Ashton St, Trowbridge	1.24+0.87= 2.11 hectares	229 max pupils, realistically 200	Not tested with planners – Ashton St likely to require change of use. Both sites would be needed to meet minimum DfE standards. Brown field site costs would also need to be added to estimated cost.	Circa £20m	Split site for SEN provision. No opportunity for creative solutions with developers. Over use of narrow access.
Wyke Road, Hilperton (Trowbridge)	2.27 hectares	250 pupils	Access to the site is limited, due to tight access. There is a plan to develop land immediately behind the site and adjoining the Hilperton bypass, but this is a few years away and on land not owned by Wiltshire Council. There is a well-used pedestrian path across the land, the status of which is unclear. Concerns over	Circa £21m	Opportunity for future capital sale for housing purposes, in conjunction with neighbouring land owner. Not currently on capital programme. No opportunity for creative solutions with developers.

<sup>1</sup> NB: DfE requirement is minimum 1.15 hectare plus 0.0042 hectares per pupil Build cost £3,500 psm, with base area of 1,250 sqm plus 18 spm per pupil. £63,000 per place

<sup>2</sup> Please note rows marked in green are sites that planners recommended are likely through the pre-app process to get planning permission

			access would limit options, alternate use for residential being proposed as part of larger scheme.		
Manor Farm, West Ashton (Trowbridge)	Up to 6.3 hectares	350 + pupils	Currently subject to tenancy and vacant possession not immediately available. Planning consideration - remote countryside, and other issues, meaning there would be likely to be an objection in principle.	Circa £27m	Not declared surplus. Not currently on capital programme. Alternate <b>long term</b> (5+ years) use for residential.
Land <b>south</b> of Abbeyfield School, Chippenham	3.72 hectares	350 + pupils	Land adjacent the south-eastern boundary likely to be required for future highways improvements. Previously identified as potentially suitable for residential / employment development. No other constraints as far as we are aware. Planners comment is favourable; some design considerations, but there is a wider consideration about secondary education provision for the area.	Circa £27m	Land identified for future disposal (residential purposes) with the capital receipt earmarked to pay North Wilts schools PFI liability. Alternative funding source for PFI would need to be found. Frontage needed for road improvements.
Land <b>north</b> of Abbeyfield School, Chippenham	2.67 hectares	350 + pupils	Currently subject to tenancy and vacant possession not immediately available. No other constraints as far as we are aware. Planners comment is favourable; some design considerations, but there is a wider consideration about secondary education provision for the area Highway works required to facilitate new access.	Circa £27m	May have residential development potential after highway infrastructure improvements (Chippenham Futures). Access road for future development may be required.
Land at Forest Farm No.2, Woodrow Road, Melksham	8.70 hectares	350+ pupils	Several constraints (open countryside, larger part within flood zone, inadequate highway and transport, proximity to listed buildings).	Circa £27m	The site is not considered deliverable due to infrastructure and planning issues.
Land R/O Melksham Oak Community School, Melksham	49.7 hectares.	N/A	A significant part of this site is subject to long leases to Melksham Oak School, Melksham Town FC and Melksham RFC. A sale has been agreed for the former Woolmore Farm buildings (fronting Bath Road). The remainder predominantly comprises recently designated Public Open Space.	N/A	Site unavailable and not therefore considered to be deliverable.

## Appendix 6: Details of Unsuitable Sites

Possible sites	Why not this site
Larkrise / Ashton St, Trowbridge	<p>DfE recommendations bring Larkrise’s capacity down significantly (26 pupils with current guidance for the building, and guidance on ground area would rule out the site) and the adjacent Ashton St site on its own is also too small. The only central Trowbridge solution would be to use <i>both</i> Larkrise and Ashton St sites but these have disadvantages:</p> <ul style="list-style-type: none"> <li>• Split site with one site lacking significant capacity;</li> <li>• No greenfield space</li> <li>• Issues with the logistics of a construction project concurrent with the operation of the school;</li> <li>• Congested access through residential streets for a school growing larger;</li> <li>• Additional cost associated with demolition and brownfield site;</li> <li>• Opportunity costs with income from the sale of Ashton St already built into council budgets;</li> <li>• Close to Somerset (as with Chippenham and the M4);</li> <li>• Lack of future-proofing opportunity.</li> <li>• Not the most central location</li> </ul>
Wyke Road, Hilperton (Trowbridge)	<ul style="list-style-type: none"> <li>• Significant planning concerns (see table above)</li> <li>• Not the most central</li> </ul>
Manor Farm, West Ashton (Trowbridge)	<ul style="list-style-type: none"> <li>• Unlikely to achieve planning</li> </ul>
Land <b>south</b> of Abbeyfield School, Chippenham	<ul style="list-style-type: none"> <li>• A good option if used as part of multi-school option, but too far north as a one school option</li> <li>• Potentially difficult to access due to congested traffic</li> <li>• Over 2 miles from town centre</li> </ul>
Land <b>north</b> of Abbeyfield School, Chippenham	<ul style="list-style-type: none"> <li>• A good option if used as part of multi-school option, but too far north as a one school option</li> <li>• Potentially difficult to access due to congested traffic</li> <li>• Distance from town centre</li> </ul>
Land at Forest Farm No.2, Woodrow Road, Melksham	<ul style="list-style-type: none"> <li>• While a more central location, planning is unlikely to be agreed particularly in relation to highways – see table above</li> <li>• Melksham could offer a two-site solution with clear proximity to Trowbridge and Chippenham</li> </ul>



	<ul style="list-style-type: none"> <li>The distance between Melksham and Rowdeford (approx. 5.5 miles) would make sharing staff between the 2 sites very difficult and would, therefore, cost more in revenue. Essentially they would operate as two separate schools rather than one across split sites</li> <li>As the sites would be apart there would not be the scale of efficiencies for travel costs as a Rowdeford/Rowde split option</li> <li>There will be issues around increasing transport in a congested traffic area</li> </ul>
Land R/O Melksham Oak Community School, Melksham	<ul style="list-style-type: none"> <li>While a more central location, and benefitting from close proximity to a secondary school recent developments would no longer make this land available. There would also potentially be concerns regarding congested traffic.</li> <li>The issues above would also apply.</li> </ul>

### Site considerations

- Currently<sup>3</sup> 67% of pupils who attend St Nicholas do not live in Chippenham
- 58% of pupils who attend Larkrise do not live in Trowbridge
- Of all pupils who attend special schools 25% live in Chippenham, Devizes/Rowde and Trowbridge 75% live in other villages and towns
- 30% of pupils in Specials schools come from village as oppose to town locations.

### Anticipated growth

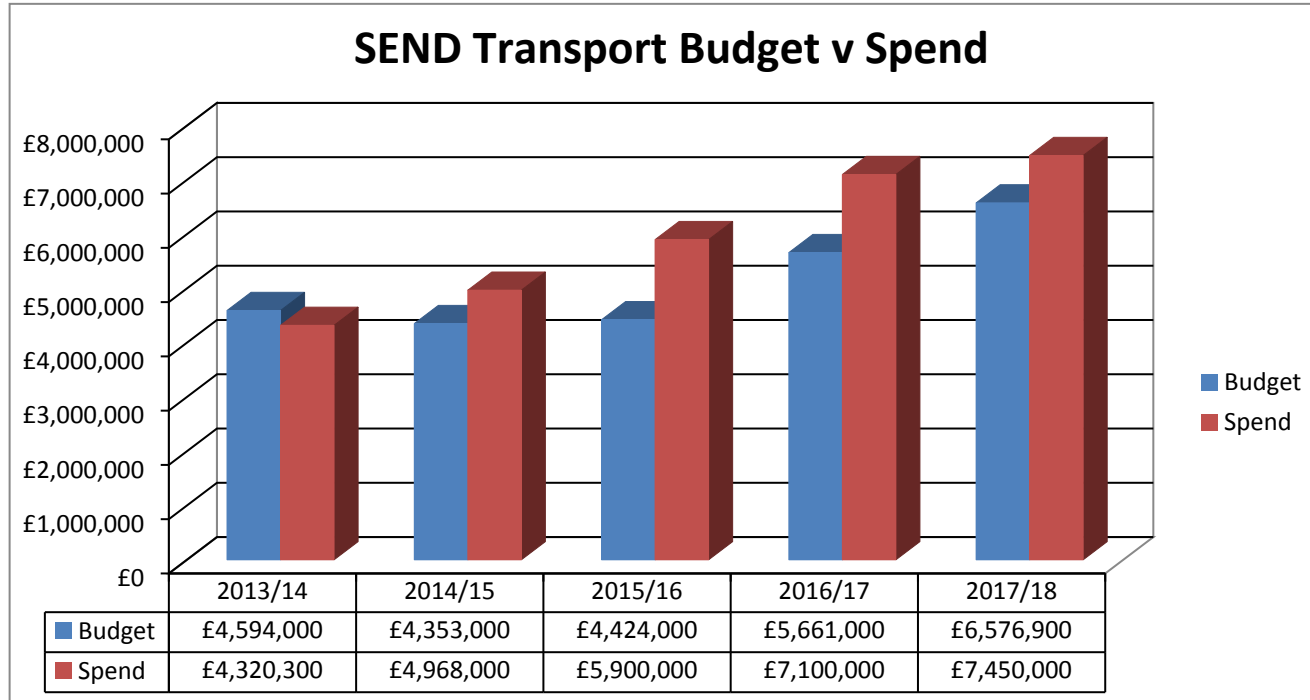
By SEN Designation	Current Placements in Wiltshire Special schools (5 – 16yrs)		2yrs (2019)			5yrs (2022)			9yrs (2026)		
	Current places North	Current places South	North	South	All new	North	South	All new	North	South	All new
ASD	111		4	9	13	24	22	46	50	40	90
SEMH	68		2	3	5	10	9	19	21	17	38
Complex	279	82	4	8	12	23	20	43	48	37	86
Sensory			0	1	1	2	1	3	3	3	6
All	458	82	11	20	31	58	52	111	123	97	220

<sup>3</sup> September 2018

## Appendix 7: Transport analysis

### Background

Transport for SEND is managed as part of the integrated Passenger Transport Unit (PTU) in Highways & Transport. Spend in this area is well documented and has been increasing year on year, due to the demand being placed upon the service and a lack of appropriate provision within the county boundaries which this report addresses.



As part of the review of SEND School provision, staff within the PTU were asked to consider the implications for transport based upon some new sites, and changes to provision at existing sites.

### Out of County Provision

There are currently 142<sup>4</sup> pupils receiving transport to schools outside of Wiltshire. The annual cost of this provision is around £1.145m and serves 40 different school sites. 22 of these transport arrangements are carried out by the parent/s of the child, where a personal transport budget is paid. These costs will grow unless action is taken to build capacity in Wiltshire's special schools system.

### Rowde Area

In order to redesign the transport network to a new school in Rowde a number of assumptions / observations have been made:

<sup>4</sup> Exclusive of Hearing Impaired, mainstream schools and Post 16 Provision, but inclusive of all out of county special schools

- There could be an overall increase in the number of wheelchair accessible vehicles required, if the merger of pupils from two different school types had to be catered for.
- There would be a possible increase in travel time for some pupils and a balancing reduction in travel time for others, e.g. if you lived in Malmesbury and were previously attending St Nicholas School, your travel time could increase. However, if you lived in Devizes and were attending Larkrise School, your travel time would be reduced.
- This can be managed by re-examining routes especially for the few pupils travelling from outlying areas.
- There is still work to be completed around which pupils can travel with each other, which may increase the overall number of vehicles required
- There are 37 vehicles required at an average cost of around £140 per vehicle per day
- The average vehicle occupancy is 6 passengers

## **Growth**

There would be expected to be a growth of 48 additional pupils requiring transport to a new Rowde area-based School. For this exercise, it is assumed that all 48 pupils would start at the same time, but in reality, there is more likely to be a phased introduction, which would increase costs sooner.

We have assumed that the 47 vehicles allotted to the new School in Rowde at an average cost of £26.6k per annum will still be in use. The average vehicle occupancy is 6 passengers, so if there were an additional 48 pupils requiring transport, then a further 8 vehicles would be required at a total annual cost of around £213k, which is around £4.5k per passenger per annum.

The average cost for a pupil with complex needs/SLD to go to and Independent school (most of which are out of county) is £12k per passenger.

## **General Points**

When predicting the cost for growth it is difficult, with any real degree of certainty, to be wholly accurate. Transport is most cost effective when utilising multiple passengers in as large a vehicle as is reasonable. Growth will not come from one particular geographical area all at the same time and cost will be driven very much on where pupils live, along with their specific needs. On that basis the figures for growth could be significantly different. Cost regarding passenger transport assistants and where pupils' families are given direct payments to transport their children to school are not included here. Final savings or additional costs will also need to factor this in. Currently significant numbers of passenger assistants are used to support children because of the diversity of routes as well as due to behavioural/medical issues. Whilst from a transport perspective we cannot speculate on the need for passenger assistants for behavioural/medical needs, reducing the diversity of routes from multiple sites to a single location would create savings in the number of passenger assistants required. Currently every passenger assistant costs on average £6k.

Consideration must be given to the access and egress of any new sites proposed, or additional capacity at any of the current schools. The current sites are simply not able to cope with any real increase in demand upon vehicles accessing them. For existing sites to remain and accept the growth, with perhaps the exception of Rowdeford, it is almost impossible to see how the sites would cope. For any new builds, or new sites, consideration must be made at the planning stage to cater for transport.

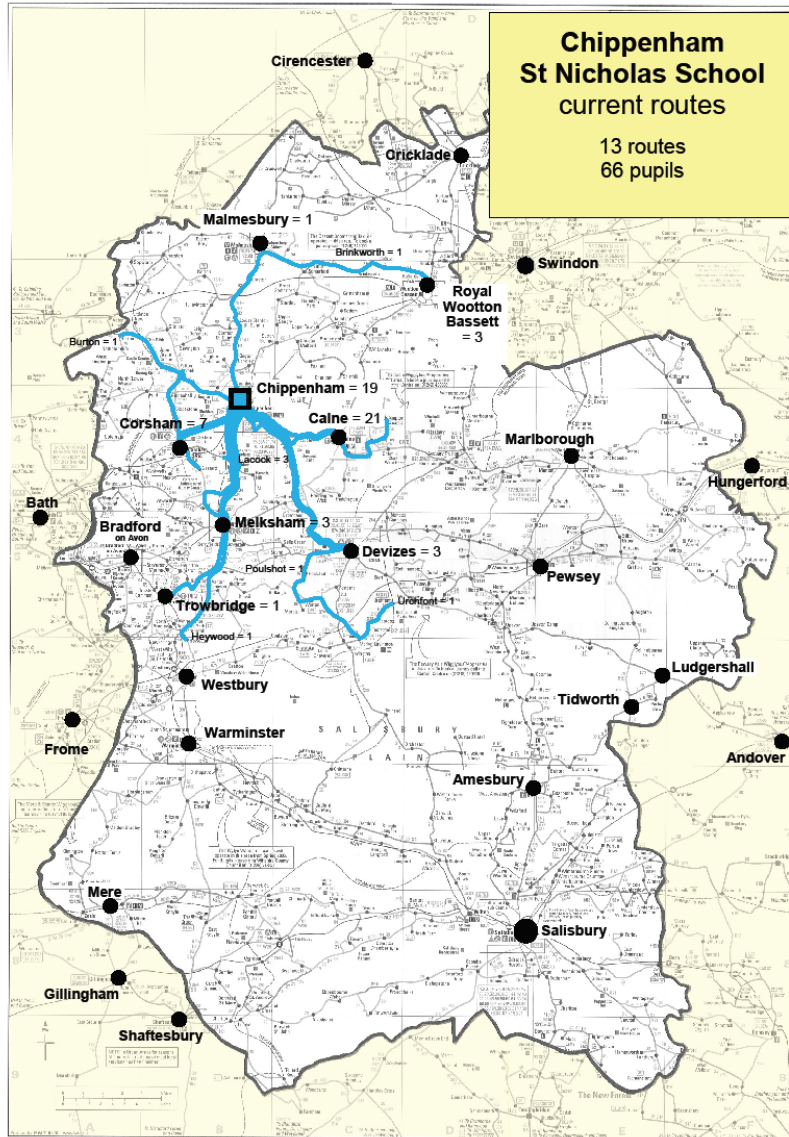
#### Summary Table for the three northern SLD/Complex needs arrangements

Establishment	Current transport cost <sup>5</sup>	Cost of transport with additional 70 pupils
3 Existing schools with current pupils – Rowdeford, St Nicholas and Larkrise	£1,238,000	£1,546,000
NEW central location Rowde/Rowdeford with current pupils	£990,200	£1,237,000
Existing schools with ISS		£1,863,000

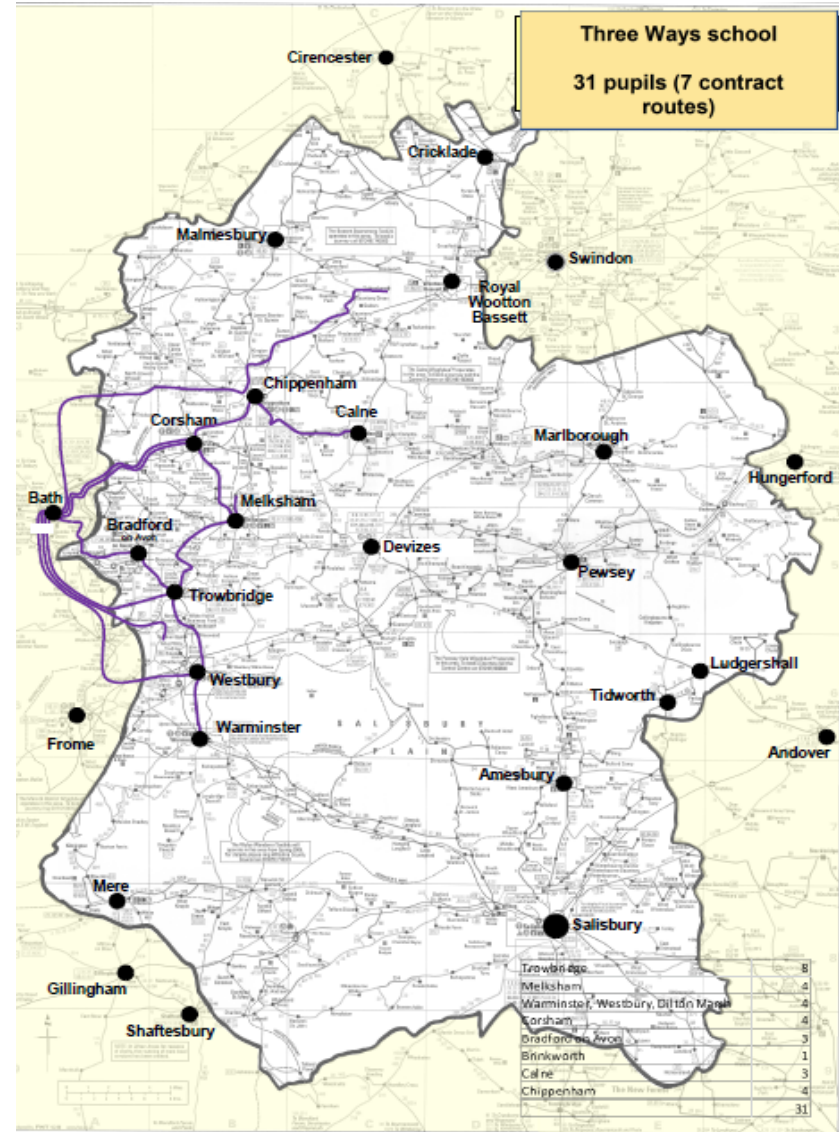
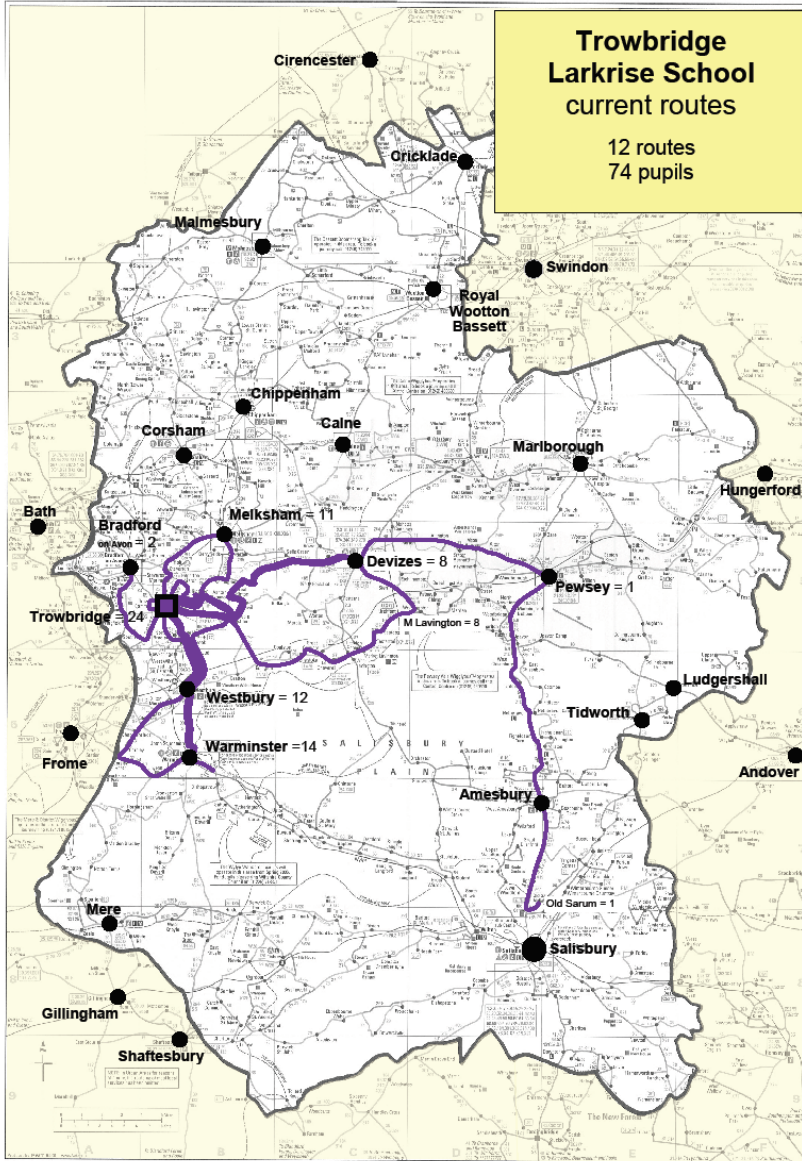
An indicative picture of where children live, see the maps below for the wider picture	Trowbridge	Chippenham	Melksham	Devizes
Out of county	47	17	6	11
Wiltshire Council special school	90	60	31	39
Home educated	12	1	6	5
Further education	36	46	28	29
Mainstream school	154	103	80	80
Resource base in mainstream primary	37	23	20	25
Enhanced Learning mainstream secondary	45	32	21	20

<sup>5</sup> As of May 2018

## Appendix 8: Where Children Live







## Travel times

Below are some indicative travel times for key towns in question. Further assessment will be done as part of the following consultation for other locations.

### Melksham

- For children in and around Melksham our special schools the distance to a campus at Rowdeford is not dissimilar to travelling to Chippenham or Larkrise. The time for travel from Melksham to Rowde is 12mins (AA route planner). The journey time Chippenham to Melksham is roughly 18mins and Trowbridge to Melksham 14mins (AA route planner). However, a significant advantage of Rowde is not having to arrive via busy rush hour town traffic.

### Chippenham

- For children already going to Rowdeford there will be minimal change, there may be improvements based on the transport system being streamlined as all the pupils are coming to one site. For those pupils currently attending St Nicholas it is expected that journey times may be greater, however as several of our parent/carers noted, (one who is also a passenger assistant), the travel time is in fact quite high for pupils even when they live locally as the bus makes it way round the town picking up pupils. The shortest time on the journey is the distance between the last pick up and arriving at school. The journey time Chippenham to Rowde is roughly 18mins (AA route planner), which is well within the 45 minutes guidance time.

### Trowbridge

- For children already going to Rowdeford there will be minimal change, there may be improvements based on the transport system being streamlined as all the pupils are coming to one site. For those pupils currently attending Larkrise it is expected that journey times may be greater, however as several of our parent/carers noted, (one who is also a passenger assistant), the travel time is in fact quite high for pupils even when they live locally as the bus makes it way around the town and villages picking up pupils. The shortest time on the journey is the distance between the last pick up and arriving at school. The journey time Trowbridge to Rowde is roughly 22mins (AA route planner), which is well within the 45 minutes guidance time.

### Devizes and Rowde

- For children already going to Rowdeford there will be minimal change, there may be improvements based on the transport system being streamlined as all the pupils are coming to one site. For those pupils currently attending Larkrise or St Nicholas it is expected that journey times should be significantly shorter. The journey time Chippenham to Rowde is roughly 18mins and Trowbridge to Rowde 22mins (AA route planner), while Devizes to Rowde is 8mins.

## Appendix 9: Statutory Guidance for Closures (The Five-Stage Process) and Openings (specification and procurement)

### Closures

Guidance sets out a 5-stage process involving: consultation; publication; representation; decision; implementation. The first of those is what has been completed at this stage and is seen as informal or pre-statutory. The second and next stage now, would be the publication of a statutory notice proposing closures and explaining proposals for future provision, initiating the third, with representations made by statutory consultees to the LA about the proposals in the notice. At the fourth stage, probably at the March cabinet meeting, there could be a local decision to determine the matter, and finally implementation would be a matter for the LA working with the provider for the new school to which staff and pupils would transfer.

### Stage 1: Consultation

Guidance confirms that where a LA carries out a preliminary (informal/ stage one) consultation to consider a range of options for a possible reorganisation (as described in this report), it would not be regarded as a statutory consultation as set out in legislation. The statutory consultation (referred to as representation in the guidance) would subsequently need to cover the specific opening or closure proposal of the school in question.

How the stage one consultation is carried out is not prescribed in regulations and it is for the proposer (in this case Wiltshire Council) to determine the nature of the consultation and its length (a minimum of six weeks as delivered in this case is recommended). It is best practice for consultations to be carried out in term time to allow the maximum number of people to respond. That is what was done in this case, the details of the process and its outcomes being set out in appendix 1 & 2.

### Stage 2: Publication

This is specifically the next stage, forming the recommendation for cabinet to approve publication of statutory notices for closure and opening of schools. Detailed requirements apply to the publication of the notice, with specifications for the range of consultees (stage 3) and the information which must be contained. This is the information whose publication the cabinet is asked to authorise, to set out its policy for these schools. In this case and subject to approval, there would be two related proposals in the notice – substantially for the school closures and a cross reference to the parallel proposal for a new school.

Requirements relevant to this case for what is to be published in the notice include matters such as those detailed above and comprising:

- *Contact details* - The name and contact address of the local authority publishing the proposals and the name, address and category of the schools it is proposed that should be discontinued (and opened).



- *Implementation* - The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.
- *Reason for closure* - A statement explaining the reason why closure of the school is considered necessary.
- *Pupil numbers and admissions* - The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils for whom provision is currently made at the schools.
- *Displaced pupils* - A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils. Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including;
  - any interim arrangements;
  - the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
  - in the case of special schools, the alternative provision made by local authorities other than the local authority which maintains the school.

Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

- *Impact on the community* - A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.
- *Sixth form provision* - Where the school proposed to be discontinued provides sixth form education, the effect for 16 to 19 year olds in the area that the closure will have in respect of;
  - their educational or training achievements;
  - their participation in education or training; and
  - the range of educational or training opportunities available to them.
- *Special educational needs provision* - Where existing provision that is recognised by the local authority as reserved for pupils with special educational needs is being discontinued, a statement as to how the local authority believes the proposals are likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.
- *Travel* - Details of length and journeys to alternative provision. The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

### Stage 3: Representation

This stage provides the opportunity for statutory consultees and others to make representations to be taken into consideration on the decision-making process. Consultees in this case are as follows:

- The registered parents of registered pupils at the schools;
- the parish councils where the schools that are the subjects to the proposal are situated;

- any LA which maintains an EHC plan or statement of special educational needs in respect of a registered pupil at the schools.
- the governing bodies;
- pupils at the schools;
- the trustees of the schools (if any);
- teachers and other staff at the schools;
- any LA likely to be affected by the proposal, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;
- parents of any pupils at other schools who may be affected by the proposal including where appropriate families of pupils at primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of staff at other schools who may be affected by the proposal;
- MPs whose constituencies include the schools which the subjects of the proposal or whose constituents are likely to be affected by the proposal; and
- any other interested organisation / person that the proposer thinks appropriate.

#### Stage 4: Decision

In this case proposed school closures would be related to a proposal for opening a new school. The final determination would be made by the Schools Adjudicator, following a decision taken by the local authority in the light of statutory consultation. The LA at that stage may decide to adopt, adapt or reject the proposal which was subject to stage 4 representations

#### Stage 5: Implementation

The LA is required to implement the decision of the adjudicator, who may in turn adopt, adapt or reject the LA's submission.

### **Opening a New School**

New schools must by law be academies. The process involves LA consultation (non-statutory) to develop a specification for the school, which is then put out to competition in a process by which the LA identifies a preferred provider or sponsor to be recommended to the secretary of state for decision. The current report proposes undertaking that process. DfE guidance states:

*Before launching the competition, local authorities should decide how they will consult on the proposed new school and with whom (e.g. potential providers, other local schools, academies, the wider community, religious organisations/ institutions including diocese and any others affected by the proposals). In conducting their consultation, local authorities should be clear about the type (e.g. mainstream,*

*faith, special educational needs, pupil referral unit, alternative provision), age range, gender and capacity of the free school they wish to see established, the expected cost and the date by which it is expected to open. Feedback gathered through consultation can be used to help formulate and finalise the local authority's specification for a new school...The above consultation should take place before publication of the specification of the new free school. This is not the formal statutory consultation which sponsors are required to undertake...*

In the light of this the following recommendations for non-statutory consultation in the Autumn term are made:

- Consultees:
  - Parents and pupils at Wiltshire special schools and resource bases
  - Wiltshire parents with SEND children placed elsewhere
  - Parents of children who are electively home educated
  - Wiltshire Parent and Carer Council
  - All Wiltshire schools, Wiltshire College and other post-16 providers
  - Multi-Academy Trusts operating in Wiltshire
  - Clinical Commissioning Group
  - Recognised trade unions
  - MPs, appropriate Area Boards and Parish Councils
  - Neighbouring Local Authorities
  - Diocesan authorities
  - Regional Schools Commissioner
  - Charities representing SEND interests such as SCOPE, National Autistic Society.
  
- Specification subject to consultation:
  - A special school for pupils with learning disabilities, whose primary needs are PMLD, SLD, MLD, Complex Learning Needs, with elements of ASD, SEMH, ADHD and other secondary factors
  - Located in the premises of Rowdeford School with additional capacity in a new-built adjacent site
  - Age-range 3-16, Co-educational
  - Capacity 350
  - Cost £16m net
  - Opening Date 1 September 2023

## Appendix 10: Financial assessment

Central Government do not provide specific funding for Special School Provision. The options available to the local authority are therefore limited and there will be a revenue budget cost implication on any decision to invest.

Progressing with the financial implications of the new school/s will involve:

- Creation of a Council capital budget from borrowing over 40 years
- Exploring funding opportunities outside the council's revenue budget
- An annual cost of repayment of the principal and interest to the revenue budget
- A capital receipt from the sale of the existing buildings
- The cost avoidance of independent special school places in the High Needs Block of the DSG
- The cost avoidance of transport costs in the council's revenue budget
- An application made in parallel to the DFE Wave 13 Free schools Capital Funding Programme for an ASD special school in Salisbury.

### Budget Templates Submitted by the three Special Schools

All maintained schools are required to submit their forecast budgets for the ensuing 3 years to the Local Authority. The budgeting software enables schools to project their financial position for the next 5 years to provide longer-term financial planning. The data provided from the three special schools are detailed below.

School Name	In Year Surplus/Deficit					Cumulative Surplus/Deficit				
	2018-19	2019-20	2020-21	2021-22	2022-23	2018-19	2019-20	2020-21	2021-22	2022-23
Rowdeford	0.042	-0.073	-0.124	-0.185	-0.235	0.117	0.044	-0.080	-0.265	-0.500
St. Nicholas	-0.054	-0.190	-0.249	-0.297	-0.342	0.007	-0.182	-0.431	-0.729	-1.071
Larkrise	-0.047	-0.010	-0.031	-0.081	-0.126	0.061	0.051	0.019	-0.062	-0.188
<b>TOTAL</b>	<b>-0.060</b>	<b>-0.273</b>	<b>-0.404</b>	<b>-0.564</b>	<b>-0.703</b>	<b>0.185</b>	<b>-0.088</b>	<b>-0.492</b>	<b>-1.056</b>	<b>-1.759</b>

The financial situation of the three schools indicates that they are struggling to be financially viable and sustainability is challenging under the current arrangements.

### **Capital cost associated with the new build school**

The new school would need to be built to accommodate the existing places currently at both St Nicholas and Larkrise Schools, including the element of overcrowding at both schools, plus an additional 48 growth places, as set out in para 3.i.

<b>School</b>	<b>Funded Places</b>	<b>Actual Pupils</b>
St Nicholas	75	78
Larkrise	86	95
Rowdeford	138	131
Additional Places to 2026	48	48
<b>Total Places required</b>	<b>347</b>	<b>352</b>

Of the 220 extra places required by 2026 (see table above – anticipated growth appendix 6), it is anticipated that 20 of these pupils would be accommodated at the existing Rowdeford campus. The requirement therefore would be for an additional 200 places in a new build school in order to accommodate future growth (c.50 more pupils) together with the existing shortfall of places.

Wiltshire Council's property team has confirmed the figures as being representative, and due to the time factors have proposed that the new school build cost should be estimated at £19 – 20m.

### **Dedicated Schools Grant (DSG) Implications**

Without the increase in places, there is a high probability that all the new pupils will be placed in Independent Special School (ISS). Due to the sparsity of Wiltshire, coupled with the overall shortage of ISS places locally, it is most likely that most of these placements would be residential at an average cost of £0.065 million.

ISS (educational placements) are funded from High Needs Block and savings will accrue to the DSG budget. The DSG budget is a ringfenced grant specifically for schools and other education related costs. There is current and forecast significant financial pressure on the High Needs block both nationally and locally and the cost avoidance will benefit both the schools and local authority DSG position. This is because of the likelihood of an overall DSG deficit representing a pressure on the authority's general fund. There is a significant cost differential between pupils being placed in our Wiltshire Special Schools and ISS. The cost differential has been calculated as follows;

ISS Place per annum		£65,000
Wiltshire place per annum	£10,000	

Wiltshire Top-Up per annum (average)	£11,300	
Total Wiltshire Place per annum		£21,300
<b>Differential</b>		<b>£43,700</b>

The cost avoidance per additional placement would equate to an average of £43,700 (p/a recurrent) per pupil placed into an ISS.

Profiling of the additional growth in the North of the County for SLD / Complex Needs, based upon changes in demography and in incidence, would suggest an increase in pupil numbers incrementally between 4 and 7 per annum between 2018 and 2026, with an additional demand for 48 Extra Places by 2026. If pupils were placed in ISS rather than our maintained schools, the cost would increase incrementally to an annual cost of £2.1M in 2026 and a cumulative cost of £9.4M between 2018 and 2026.

### Revenue Implications

Any loan secured by the Local Authority would be raised through the Public Works Loan Board (PWLB). Indicative interest rates for a build of this size and type is calculated over 40 years at a rate of 2.6%. The cost of both the principal and interest together with transport costs avoided detailed below would accrue to the council's revenue budget.

**The table below summarises the options, costs and costs avoided:** In total 19 main permutations were considered looking at 1, 2 and 3 site arrangements. Each one of these also had a variety of specific interpretations. Below are the three main approaches which meet the key requirements.

Option	Capital cost	Potential to Expand	Annual Cost of Revenue Repayment	New Places Created	Annual Cost of 50 ISS Places Avoided	Transport
One School (all on one site) Close all three schools and open one school on one site.	<b>Cost £27m</b>	N/A	£1.377m	50	£2.1m	<b>Cost</b> Potential reduction of up to £247k annually
Close three and open one on existing site (150 + 200 Rowdeford campus)	<b>Cost £19 - 20m</b> <b>Income</b> Sale of 2 sites: £3m		£0970m	50	£2.1m	<b>Time</b> Both increases & decreases, but highly dependent on where the school is placed. To be appropriate it should be a central location
One school (split site)	<b>Cost £19 - 20m</b>	Yes	£0970m	50	£2.1m	<b>Cost</b> Potential reduction of up to £247k annually

Keeping Rowdeford (150 pupils) and extending on to land by Rowde Primary school (200 pupils)	<b>Income</b> Sale of 2 sites -£3m					<b>Time</b> Both increases & decreases, but limited need to drive through congested towns.
<b>Three schools with executive management</b> Chippenham (new build - 110 pupils) Trowbridge (new build – 110 pupils) Rowdeford (as is)	<b>Cost £24m</b>  <b>Income</b> Sale of 1 site - £1-2m	Yes	£1.224m	50	£2.1m	<b>Cost</b> No change in cost except for growth which applies to all options  <b>Time</b> Similar to current dependent on sites
<b>Two schools with executive management</b> Chippenham (new Build – 175 pupils) Trowbridge (new build – 175 pupils)	<b>Cost £34.6m</b>  <b>Income</b> Sale of 3 sites - £5m	Yes	£1.765m	50	£2.1m	<b>Cost</b> Potential reduction of ~£100k annually  <b>Time</b> Moderate increase for centrally-based pupils & some concern about driving through Chippenham

### How costs and size of build are arrived at?

The DfE gives guidance for the amount of space that should be made available for schools building<sup>[1]</sup>. These allocations are greater for Special schools than mainstream schools, and are largest for non-ambulant children and young people.

This includes guidance regarding how much outside space should be available. We have used this to identify potential sites.

Each school, and in some cases annex, is expected to have a certain amount of communal or shared space for offices, staff rooms, toilets etc. This costs around £5m for each new school. In addition, there is a per pupil amount of around 18sqm. A figure of circa £65,000 per place has been given as a guide through recent benchmarking led by the Local Government Association. Thus, an as an example:

Forecast project cost to build a new 200 place special school inclusive of fees and a 12% contingency sum allowance, would arrive at a cost of £19,012,000.00 + VAT. (VAT is recoverable)

This cost is based on a school with a gross internal floor area of 4,850 sqm at a project cost of £3,500/sqm which is slightly higher than the rate expected for a non-specialist school (typically circa £3,150/sqm) to reflect the more specialist building specification that is likely to be required.

<sup>[1]</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485223/BB104.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485223/BB104.pdf)

200 place complex special school is  $(1250 + 18 \times 200) = 4850$  sq. m  $\times$  £3,500 = £16,975,000 + 12% contingency = £19.0m.

Further to this additional costs should be anticipated if:

- Brown field sites are used e.g. Ashton St.
- Where access is difficult or not currently in place or there is poor provision for vehicular access
- Where additional resources are required. The DfE identifies a moderate amount for such things as hydro-pools, sensory rooms etc. but acknowledges that most schools would also need to draw on additional resources to have everything. Thus, where we are considering more than one site the costs would also rise to support duplicated facilities.
- Difficult ground where contaminants become apparent following site investigation works.
- Archaeology of significance is identified
- The availability of infrastructure services (power, water, drainage, gas, telecoms) and the proximity of them to the site is further or more complex than is normally expected.

The sale costs of existing school sites are provisional. These figures have only been estimated at this time. Therefore, the figures noted here are rough starting estimates for the sake of comparing alternatives. Once proposals are finalised, further work would be needed to identify actual working projections.

**Please refer also to the financial comment in the body of the Cabinet Report.**



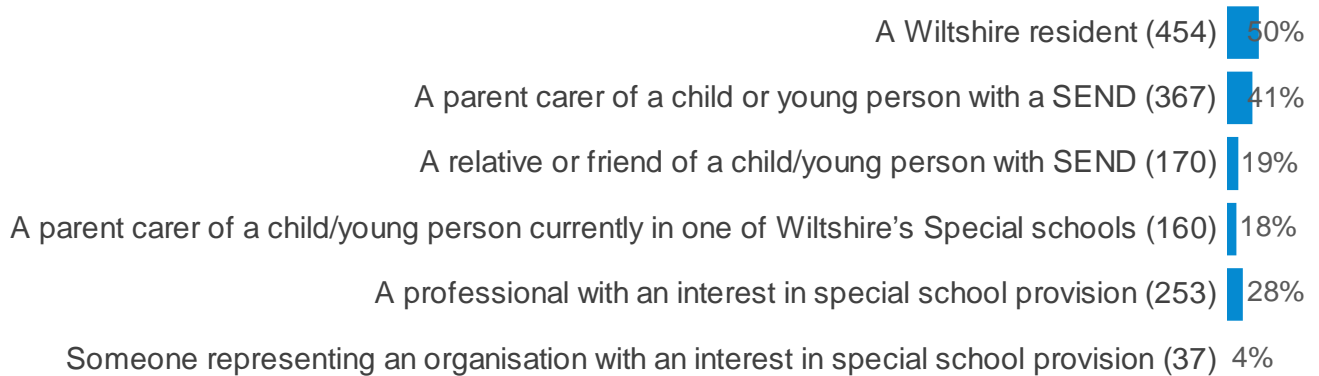
A survey about future special school provision in Wiltshire

# A survey about future special school provision in Wiltshire

This report was generated on 27/09/18. Overall 917 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

## Are you answering this survey as? (tick all that apply)



## (If you represent an organisation can you say what organisation?)

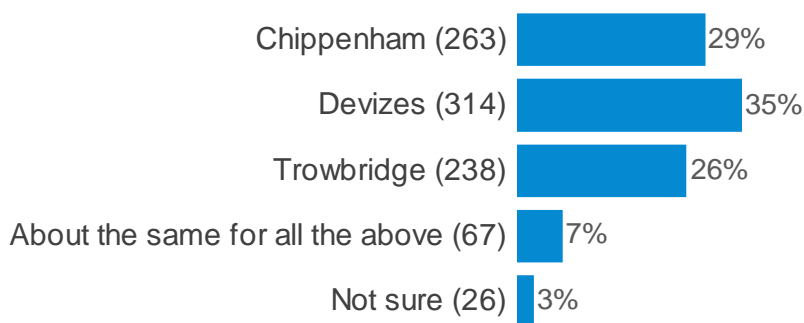
- Westbury parent carers support group
- Wiltshire College
- Wiltshire Council
- Bellefield School
- Rowdeford school
- Rowdeford School
- Lyneham Primary School
- Charter Primary School
- Westbury Junior School
- River Mead School
- Larkrise Special school
- Amesbury Archer Primary
- Kingdown School, Warminster
- An employee at one of the special schools.
- no
- Rowdeford Charity Trust (Registered Charity No 1088605)
- Lyneham Primary school
- Rowdeford School
- Rowdeford School
- A former teacher at Rowdeford and now a volunteer for Rowdeford Garden Fair committee
- Stepping Stones District Specialist Centre
- Larkrise School

A survey about future special school provision in Wiltshire

**(If you represent an organisation can you say what organisation?)**

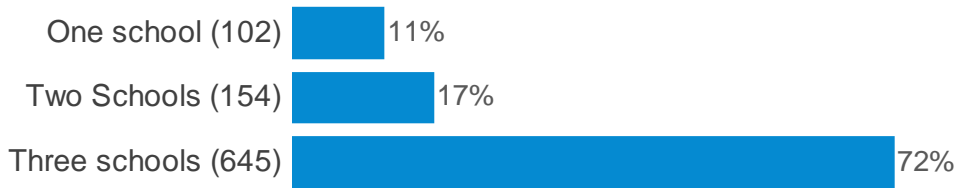
- Specialist SEN Service
- St nicholas school
- Springboard
- SOUTHWICK PARISH COUNCIL WILTSHIRE
- Appleford School
- Wiltshire Primary school
- Springfields Academy, Calne
- A Special School in Wiltshire
- Rowdeford School chair of governors
- Rowdeford Charity Trust
- Rowdeford School
- St Bartholomew's Primary Academy, Wootton Bassett
- Chair of Governors on behalf of Rowde Academy Governors
- School governor of a special school in Wiltshire
- VirginCare
- I am a young person in a speshul school
- Wiltshire Primary School
- I am an ex student of Rowdeford School
- I am an ex pupil of Rowdeford School
- Rowdeford school
- I went there when I was 9
- St-nicholas special school
- Rowdeford Charity Trust
- Rotary
- Larkrise School

**Which of the following is the closest to where you live?**



A survey about future special school provision in Wiltshire

**Bearing this in mind, please could you say whether you think on balance it would be best to create:**



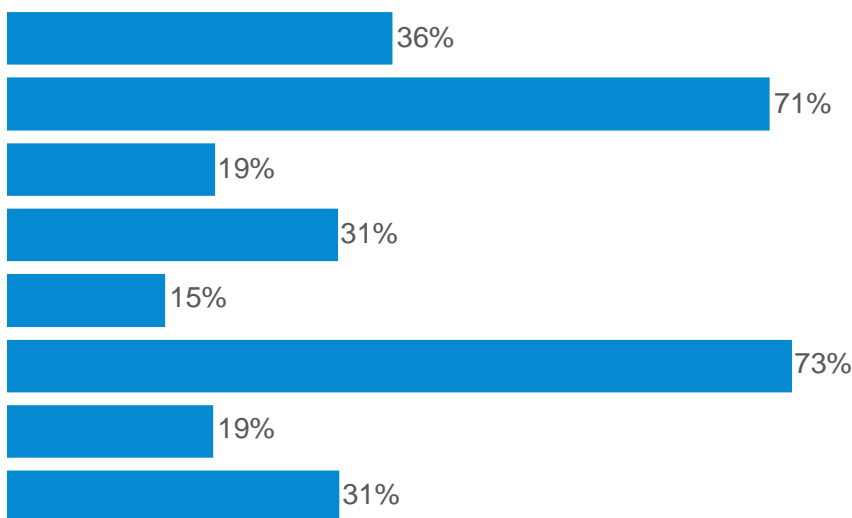
**If the one school option was to be chosen which of the three locations would you prefer? (you may tick only one box)**



**If the two school option was to be chosen which of the following two locations would you prefer? (you may tick up to two boxes only)**



**How important to you are the following factors when considering the future provision of special schools in Wiltshire? (please tick the three most important factors only) The School: (Is close to or part of a large community)**



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**Wiltshire Council**

**Cabinet**

**27 November 2018**

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**Subject: Service Devolution and Asset Transfer Policy – Small scale service based asset freehold transfers**

**Cabinet Member: Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism**

**Key Decision: Key**

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### **Executive Summary**

To seek authority to dispose of the freehold of service based assets to small Town and Parish Councils complementing the Service Devolution and Asset Transfer Policy

This report seeks an endorsement of dealing with small scale requests subject to specific criteria being followed, as set out in the report.

### **Proposal**

Cabinet is recommended to:

1. Approve the freehold and long leasehold disposal of the service based assets identified to smaller Town and Parish Councils, subject to the criteria being met in each instance.
2. Authorise the Head of Strategic Assets and Facilities Management to dispose of freehold or long leasehold interest of the assets.

### **Reason for Proposal**

Following the approval of the Service Devolution and Asset Transfer Policy a programme for packages of transfers is being established. The Council is receiving a number of small scale requests from, predominantly, Parish Councils and the approach set out in this report will allow the Council to deal with those small scale requests in conjunction with the programme established under the Service Devolution and Asset Transfer Policy in a timely and effective manner.

**Alistair Cunningham, Corporate Director**

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**Wiltshire Council**

**Cabinet**

**27 November 2018**

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**Subject: Service Devolution and Asset Transfer Policy – Small scale service based asset freehold transfers**

**Cabinet Member: Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism**

**Key Decision: Key**

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### **Purpose of Report**

1. The purpose of this report is to declare that freehold interest of the service based assets can be transferred by the Council to small Town or Parish Council's subject to the criteria in paragraph 12 being met.

### **Vision**

2. Wiltshire Council is committed to continuing to improve and enhance the outcomes of people's lives and businesses in Wiltshire working closely with its communities and partners. The council's business plan 2017 – 2027 emphasises the desire for communities and residents in Wiltshire to continue to feel they can take responsibility for their well-being, have positive relationships with each other to get involved and influence and shape their own communities
3. This approved policy supports this commitment encouraging local town and parish councils to take responsibility for their well-being, build positive relationships and get involved, to influence and act on what's best for their own communities. It sets out a framework to enable the devolvement of those services and assets best placed to be delivered by local communities at the Town and Parish Council level.
4. The council recognises that the devolution of assets and services to local communities, town and parish councils makes a significant contribution towards enabling them to be stronger, more resilient and sustainable. Experience gained from a number of asset and service transfers completed to date, has shown that the development of the policy presented significant opportunities to create stronger, more cohesive and sustainable communities. It enhances the role of town and parish councils; enables the use of service based assets to be enhanced with the ability to modify them to embrace local needs; the ability to source and secure additional resources from sources not available to Wiltshire Council to do so as well as the ability to deliver and modify services to match the needs and expectations of local

communities.

5. The approach set out in this report complements the Service Devolution and Community Asset Transfer Policy (“the Approved Policy”) and in particular meets the community wellbeing (localisation) goal within the Business Plan.

## **Background**

6. The Approved Policy requires a structured programme to be developed to implement the transfer of services and service based assets to Town and Parish Councils. This may have a particular emphasis on the larger towns in the county initially meaning that the Parishes and smaller towns may have to wait for some time before packages are established.
7. A number of the smaller Town and Parish Councils have limited appetite to take on a number of services, but do wish to be in greater control of the locally provided facilities. As such, there will not be a package of services and instead relatively small scale requests to take on service based assets.
8. This report seeks approval to dispose of service based assets to town and parish councils, subject some qualifying criteria being met, as set out in paragraph 12.
9. This report also seeks to exclude the towns listed in the structured programme, as set out in paragraph 6 and listed in Appendix 1, from service based transfers and the purpose of this report.

## **Main Considerations for the Council**

10. The Approved Policy sets out that all package transfers need to be returned to Cabinet for approval which is unnecessarily resource and governance heavy for the smaller scale requests. This report sets out a straightforward governance approach to smaller scale requests and establishes a clear framework for control of such requests.
11. The Approved Policy sets out the types of assets that are **not** normally be considered for transfer, whereas in this report we are explicit about the properties that we will consider for small towns and parishes. The list of assets includes:
  - Band 4 Car parks – as defined in 2011 parking review, as set out in the Wiltshire Local Transport Plan 2011-2026
  - Non-strategic car parks – as defined in 2015 Parking Review (provided by reclassified in more recent Cabinet paper)
  - Public conveniences – except where part of a wider holding (see paragraph 12)
  - Play areas
  - Cemeteries
  - Allotments
  - Recreation fields in small parishes only
12. Whilst the list includes specific asset based services, requests for other services or service assets will not be excluded; these will be considered on a parish by parish basis.

13. Where the service based asset is either within or adjacent to a wider holding of Wiltshire Council a 125 year lease will be considered. The lease will be on full repairing and insuring terms with a restricted user clause (community use as defined in the approved policy) but with break clauses for redevelopment or disposal purposes.
14. To manage the number of enquiries and resource implication of this report the following criteria will apply:
  - Only land that is held freehold by Wiltshire Council will be considered (land held in trust by the Council will not be considered),
  - Only Parish Councils will be considered in this approach,
  - If existing agreements are in place, this would be enlarged to either a freehold or 125 year lease,
  - No more than 10 service based assets will transfer to a Parish Council,
  - The freehold transfer will be subject to a standard transfer agreement, containing the same terms as the Approved Policy, in particular in respect of community use and overage provision,
  - The recipient is not a Council listed in Appendix 1.
15. To create efficiencies, transfers to the Parishes Council will included all transferrable assets within the Parish boundary, removing the need to repeat the same process more than once.
16. An estimate of the scale of transactions because of this approach is estimated at circa 100 service based assets, although the actual number of small towns & parishes involved will be significantly less.

### **Open Space Land**

17. A local authority has a statutory duty to advertise its intention to dispose of open space land in a local newspaper for two consecutive weeks and to consider objections. This should be done before any final decision is taken on the individual disposal, so that proper consideration is given to the responses that are received. Should a notice be required the cost of the notice will be borne by the respective Parish Council.

### **Funding of delegated services**

18. Wiltshire Council will offer no staged payments to town and parish councils on the transfer of the assets, with the recipients being responsible for ensuring that revenue budget is available to fund the services. On a service specific basis there may be on/off funding, such as s106 funds, which will be transferred as a consequence of the freehold disposal.

### **Resources**

19. The resources required to deliver a structured programme of Service Devolution and Asset Transfers has yet to be assessed. An assessment of the resources within Legal Services required to deliver these smaller scale transfers will need to be made, they cannot be met within existing resources whilst delivering the corporate objectives of the Council.



20. Throughout the process officers will keep Elected Members informed, by advising that discussions are being held with their respective Parish Council or informing the Cabinet Member that transactions have completed.

### **Overview and Scrutiny Engagement**

21. A rapid scrutiny exercise was held in November 2017 to consider the draft Service Devolution and Asset Transfers Policy, with its findings and recommendations reported to Cabinet. The Chairman and Vice-chairman of Overview and Scrutiny Management Committee received a briefing on the further proposals presented in this report.

### **Safeguarding Implications**

22. None

### **Public Health Implications**

23. None

### **Procurement Implications**

24. None

### **Equalities Impact of the Proposal**

25. None

### **Environmental and Climate Change Considerations**

26. None

### **Risks that may arise if the proposed decision and related work is taken**

27. When considering the transfer of assets and land the council will need to consider the effects on other strategic plans, hence the suggestion that assets in or adjacent to wider holdings are dealt with by way of long lease on the terms set out in paragraph 12 of this Report.
28. There may be inequality, or perception of inequality, and transparency across Wiltshire with varying levels of service being delivered and in some areas local precepts being increased to pay for the additional services in those areas where others have not been increased.

### **Risks that may arise if the proposed decision and related work is not taken**

29. Whilst there is a clear intention in favour of transfer of assets to provide local community services in appropriate cases, the Council should consider its statutory and financial obligations as part of any such arrangements.
30. Staffing capacity will need to be considered as additional time will be incurred to negotiate and complete temporary agreements whilst the wider Service Devolution package for any particular parish is being negotiated.

31. Parish Councils may become frustrated with the potential delay should the Council negotiate with the town councils first, especially where the parish only has a handful of service based assets they wish to take control of.
32. The purpose of this approach is to create efficiencies for resources, a simplification of the process to transfer service based assets to small town and parish councils and to support and enhance the existing mix of authorities for some service based assets (at the date of this report play areas can only be given to town and parish councils by way of short term lease).

### **Financial Implications**

33. The value of the individual assets being promoted for transfer is predominantly *de minimis* in accounting terms, i.e. all very low value, and therefore there not considered to have any implications under s123 of Local Government Act 1972.
34. The proposals brought forward under this policy are generated as a consequence of reduced level of expenditure available to the Council due to budget savings within the Council's overall financial strategy. The purpose of the transfers, in part, is to enable services to transfer potential revenue burdens to Parish Councils and mitigate any potential budgetary overspend.
35. Whilst it is difficult to determine the individual service savings from each individual small scale transfer, the objective of the approach is to avoid future costs for Wiltshire Council (for example cost of renewing existing lease) and mitigation of future liabilities; should Parishes hold a lease but wish to return the asset to Wiltshire Council.
36. The freehold transferred of an asset to a parish council, will include any financial liabilities or obligations, this includes any grant agreement for funding.
37. In the case of any grant agreements for funding, Legal Services will need to ensure that the original purpose of the funding is continued by the town or parish council with an obligation contained in the legal documentation. In addition, Legal Services will need to ensure that the disposal does not trigger any clawback of the fund (or a proportion of the fund) from the grantor. The position will need to be considered by Legal Services on a case by case basis.

### **Legal Implications**

38. The ownership is unclear on much of the land that is maintained by Wiltshire Council leading to the potential of legal complexities that need to be addressed before the freehold can be transferred.
39. The governance approach in this report draws comparisons to the existing disposal process in place at present, where sites are declared available for sale at the outset and the decision to dispose is delegated to officers. The purpose of this report is to set the parameters of all small scale transfers to ensure that all delegated decisions fit within those parameters.

## **Section 123 Local Government Act 1972**

40. Wiltshire Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market, except with the express consent of the Secretary of State. The power for the Secretary of State to give a general consent for the purpose of land disposals by local authorities is set out in section 128(1) of the LGA 1972. Specific consent is not required for the disposal of any interest in land that the authority considers will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area.
41. The model community asset freehold and leasehold documentation is drafted on the basis that the use of the property will continue for the benefit of the local community.
42. Disposal at less than best consideration is always subject to the condition that the undervalue does not exceed £2 million. Therefore, all proposed transactions where the aggregate of "undervalue" exceeds the £2 million threshold will require the specific consent of the Secretary of State.
43. The proposal set out in this report are for sites of a predominantly *de minimis* and the aggregate value to each parish council will not exceed £2m. The objective of the business plan is to enable local communities to deliver local services, thus creating social and environmental well-being for their particular area.

### **Options Considered**

44. Continue with the approach of negotiating and agreeing short term agreements, although the risk of this has been set out in paragraph 26.

### **Conclusions**

38. This paper proposes a complementary approach to service devolution and asset transfers associated with small towns and parishes, to be implemented in tangent with the wider programme for larger towns.
39. The implications of implementing these changes are necessary to provide the most beneficial outcome for both the Council, small town and Parish Councils, and local Communities.

### **Proposal**

40. Approve the freehold and long leasehold disposal of the service based assets identified to Town and Parish Councils, subject to the criteria being met in each instance.
41. Authorise the Head of Strategic Assets and Facilities Management to dispose of freehold or long leasehold interest of the assets.

### **Alan Richell, Growth & Investment Programme Director**

Report Authors:

Mike Dawson, Strategic Asset Manager - [mike.dawson@wiltshire.gov.uk](mailto:mike.dawson@wiltshire.gov.uk)

**Appendices**

Appendix 1 – List of larger towns being included in the wider programme and, therefore, excluded from this paper.

**Background Papers**

Service Devolution and Asset Transfer Policy – approved at Cabinet on 7<sup>th</sup> November 2017

## **Appendix 1**

Town Councils being considered as part of the wider programme and excluded from this paper:

Devizes  
Chippenham  
Mere  
Calne  
Amesbury  
Trowbridge  
Tisbury  
Melksham  
Wilton  
Corsham  
Tidworth  
Marlborough  
Cricklade  
Westbury  
Royal Wotton Bassett  
Warminster  
Pewsey  
Bradford on Avon  
Malmesbury

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**Wiltshire Council**

**Cabinet**

**27 November 2018**

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**Subject: Approval to dispose of the freehold interest**

**Cabinet members: Councillor Toby Sturgis - Cabinet Member for Spatial Planning, Development Management and Strategic Property**

**Key Decision: Key**

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## **Executive Summary**

The council continually reviews and rationalises its asset portfolio in order to identify assets where the freehold interest can be considered for sale. A total of 4 assets are considered to be surplus to the Council's operational requirements and it is recommended they be added to the disposals list and progressed to sale in support of the Council's wider capital programme. The 4 assets are listed in Appendix 1.

## **Proposal(s)**

- That members confirm that freehold interest of the 4 assets can be sold by the Council.
- That members note the continuing approach set out in paragraph 8
- Authorise the Director for Housing and Commercial Development to dispose of the freehold interest in the assets or in his or her absence the Corporate Director for Growth, Investment and Place.

## **Reason for Proposal**

To confirm the freehold interest in the assets can be sold in order to generate capital receipts in support of the Council's capital programme.

**Alistair Cunningham**  
**Corporate Director – Growth, Investment and Place**

**Subject:** Approval to dispose of the freehold interest

**Cabinet members:** Councillor Toby Sturgis - Cabinet Member for Spatial Planning, Development Management and Strategic Property

**Key Decision:** Key

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### **Purpose of Report**

1. The purpose of this report is to declare that freehold interest in the 4 assets referred to in Appendix 1 can be sold by the Council.

### **Relevance to the Council's Business Plan**

2. The disposal of assets raises capital to assist and support the Council's medium term financial plan (MTFP) which subsequently supports the Council's Business Plan and its aims and targets. Specifically, the business plan describes taking a *commercial approach to managing assets* as part of the *Working with partners as an innovative and effective council priority*.

### **Main Considerations for the Council**

3. Since its inception in 2009 the council has sold assets in excess of £70m. There are a number of other assets in the programme which are currently scheduled to be marketed and sold between now and the end of 2019/20 and it is anticipated that they will realise in the region of £30m.
4. In addition, the 4 assets listed in Annex I are recommended for disposal of the freehold interest which will be sold over the next few years.

### **Background**

5. The receipt of capital from the sale of assets is used to support the capital programme of investment in the communities of Wiltshire. Examples of the types of investment made and programmed to be made are provided in the Council's Budget but they range from investment in better roads, waste collection and recycling, extra care homes, health and wellbeing centres and initiatives to provide better and more efficient customer access to Council services.
6. Running, managing and holding assets is expensive but with careful investment as described above, services can be transformed and delivered in a way that



improves customer satisfaction and relies less on needing a building/asset for service delivery.

7. Assets then become surplus to the core requirements of the Council and once sold, the capital realised can then be used to support further investment.
8. At Cabinet on 12 September 2017, the Cabinet resolved that the Council would not consider domestic / low value requests for land purchases. By way of background, the Council receives a number of requests for purchase of land, ranging from small scale residential/domestic requests to larger site purchases. Resource is currently not available for a number of the domestic / low value requests to be considered and below sets out 3 tests that need to be met for the Council to consider such disposals:
  - a. The land in question is not held by the Council as public open space
  - b. The purchaser will pay all costs associated with the disposal (internal and external surveyor and legal costs)
  - c. The land is being sold to support a wider Council objective or being supported / promoted by department of the Council (for example the Housing Revenue Account)

### **Overview and Scrutiny Engagement**

9. Overview and Scrutiny monitor the capital programme via its Financial Planning Task. It will consider the latest Capital Budget monitoring report on 19th September 2018.

### **Safeguarding Implications**

10. There are no safeguarding implications with this proposal.

### **Public Health Implications**

11. There are no public health implications with this proposal.

### **Procurement Implications**

12. The decision to dispose of the freehold interest does not have any direct procurement implications. However, when the appointment of agents to market the assets or when pre-marketing surveys are required, their procurement is carried out in accordance with the Council's procurement rules and policies.

### **Equalities Impact of the Proposal**

13. None

### **Environmental and Climate Change Considerations**

14. Where a sale envisages potential development, any environmental and/or climate change issues are best considered through the planning application process.

## **Risk Assessment**

15. Regular reports on progress of property disposals are provided to this Committee within the Capital Monitoring Report. These reports are based on a review of risks of each disposal that takes into account legal issues and 3<sup>rd</sup> party interests over the asset, planning, market conditions and other factors to review and adjust future receipt out turn forecasts.

### **Risks that may arise if the proposed decision and related work is not taken**

16. The MTFP for the Council is, in part, dependent on the success of the disposal of property and assets. Failure to decide to declare new freehold interests to be sold or failure to sell those that are currently declared will impact on the council's ability to achieve its business plan.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

17. A risk that may arise is that due to legislative or other changes a service need arises for an asset after it has been sold and the Council then has to look to acquire or rent in an asset. However, the list of assets has been considered by the Corporate Directors and Directors and no service has identified a need that could be fulfilled by any of the properties on the list in Annex I.

## **Financial Implications**

18. As explained above, the realisation of capital from the sale of assets is used to support the MTFP and Council Business Plan. Reducing sales and the delivery of capital receipts will reduce the amount that the Council can invest in its communities and/or be used to reduce borrowings and thus free up revenue for delivering services. The disposal of surplus assets is not only integral to the council's medium term financial planning but often makes good asset management sense too.

## **Legal Implications**

19. There are no legal implications with the paper other than it will result in legal work to formalise them. In respect of the assets being put forward as part of this report, each asset is to be sold at or above market value, thereby ensuring that the best price properly payable will be received thus satisfying the requirements of s123 of the Local Government Act 1972. Market value will be determined by either open marketing of the sites or through an external valuation being procured to reflect any special circumstances. The assets will also be categorised as strategic assets due to their strategic importance to contribute to the MTFP and will not be available for Community Asset Transfer unless Cabinet subsequently decides otherwise.

## **Options Considered**

20. The alternative options would be to transfer the properties in another way or to not dispose of them at all, both of these have been discounted for the reasons set out in this report.

## **Conclusions**

21. Declaring additional assets surplus to the requirements of the Council will provide additional funds for the Medium Term Financial Plan and Council's Business Plan.

## **Proposal**

22. That members confirm that freehold interest of the 4 assets listed in Appendix 1 can be sold by the Council.
23. That members note the continuing approach set out in paragraph 8
24. That members authorise the Director for Housing and Commercial Development to dispose of freehold interest of the assets or in his or her absence the Corporate Director for Growth, Investment and Place.

## **Reason for Proposal**

25. To confirm the freehold interest in the assets can be sold in order to generate capital receipts in support of the Council's capital programme and to maximise the amount of capital from them to support the MTPF and Council Business Plan.

**Alistair Cunningham**  
**Corporate Director – Growth, Investment and Place**

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Report Author:  
Mike Dawson  
Asset Manager (Estates & Asset Use)

## **Background Papers**

None

## **Appendices**

Annex I: Asset List

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**APPENDIX I – List of Assets**

**Wiltshire Council**

**Cabinet**

**27<sup>th</sup> November 2018**

**SITE DETAILS**

**SITE 1.**

***Chippenham - Derriads Respite Centre***

**UPRN – 01439S1**

**Description / sale information:**

The Respite Centre is being closed and the property, an extended single storey residential building on a site of 0.1Ha (947.8m<sup>2</sup>) in a residential area with development /refurbishment potential, is surplus to requirements and is recommended for sale for residential use.

**Self-build / Custom-build considerations:**

The site is suitable for a custom/self-build plot unless the value of the existing building does exceed the site value.

**Location Plan – Site Extent Subject to Survey (Not to Scale and for indication only)**



## SITE DETAILS

### SITE 2.

#### *Tisbury - Land at Court Street*

UPRN – 50579S1

#### **Brief description / sale information:**

The land, which is currently open space, is held under the Housing Revenue Account (HRA) and comprises 0.01 Ha (89.9m<sup>2</sup>) being part of a land holding off Court Street. An adjacent homeowner has expressed interest in purchasing a part of the site (edged blue on the plan below) unconditionally to extend his garden. As an exception to the normal approach to open space, it being HRA held, and since the land has no development potential, there is no reason for the Council to retain it.

There are no other frontagers, or interested parties, and being thus supported by the Housing Revenue Account, the disposal would thus align with the cabinet's minuted intent in respect of sale of open space.

#### **Self-build / Custom-build considerations:**

The site is not suitable for a custom/self-build plot as it is designated open space.

#### **Location Plan – Site Extent Subject to Survey (Not to Scale and for indication only)**



## SITE DETAILS

### **SITE 3.**

#### ***Trowbridge - St Stephens Car Park***

UPRN – 20271S3 & 20271S9

#### **Brief description / sale information:**

The Council have been approached by the owner of Castle Place Shopping Centre (conjoining property) to purchase the multi-storey car park. The car park is currently a free to use car park. Freehold disposals will be based on:

- Disposal to the freeholder of Castle Place Shopping Centre only
- An unfettered freehold title being sold (no overage provisions to be applied), save obligations in respect of parking charges in the future, should they be applied
- Open market value being paid, to reflect both special purchaser relationship and future hope value

#### **Risks / consequences of disposal:**

The Trowbridge Masterplan identifies Castle Place and the Car Park as an opportunity site for redevelopment. The Masterplan recommends that Castle Place and the Car Park should be considered in tandem to ensure a complementary, well connected development. Whilst the sale of the Car Park may support future redevelopment of this site, Cabinet is requested to note the following risks:

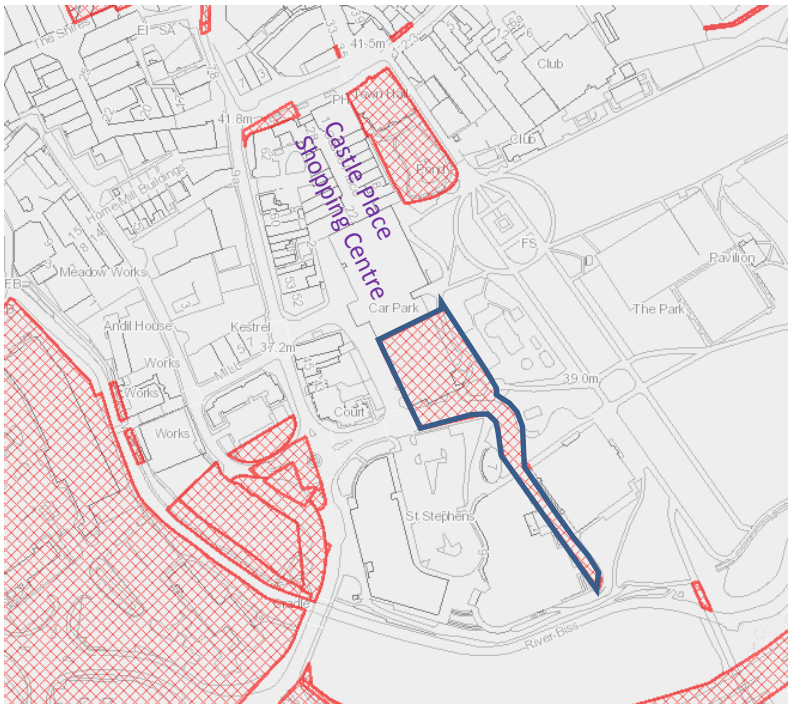
- By disposing of the car park, the Council will lose the ability to offer a free car park in the centre of Trowbridge
- The disposal may result in the car park becoming chargeable to customers, although a connection to Wiltshire Council's charging regime will be part of the sale
- Alternate use of the car park will only be controlled by the statutory planning process once the disposal completes

#### **Self-build / Custom-build considerations:**

The site is not suitable for a custom/self-build plot, given it is a multi-storey car park and any sale will be linked to the adjoining shopping centre.

#### **Location Plan – Site Extent Subject to Survey (Not to Scale and for indication only)**

Whole title shown as extend of site to be disposed to be determined, will probably not include the access road or any adopted highway.



## SITE DETAILS

### SITE 4.

#### **Trowbridge – Manvers House**

UPRN – 20083S1

#### **Brief description / sale information:**

The property was previously let to Capita who vacated in 2017, leaving the building in a poor state of repair.

A review of the property options (retention, refurbishment, sale as is and conversion) has been undertaken between the in-house team and Lambert Smith Hampton (external property advisors) and Kavanaghs (Council retained property agent), concluding that the best financial option is to dispose of the site on a freehold basis.

Dilapidations (condition of building) will be pursued from Capita although legislations limits the level of the claim by the Council.

#### **Self-build / Custom-build considerations:**

The site may be suitable for a custom/self-build plot, although only if the proposed purchaser decides to proceed with a residential scheme and registers as a self-build scheme.

#### **Location Plan – Site Extent Subject to Survey (Not to Scale and for indication only)**





**Wiltshire Council**

**Cabinet**

**27 November 2018**

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**Subject: Extension of Intermediate Care Bed Service contracts for 2019-2020**

**Cabinet Member: Cllr Jerry Wickham – Cabinet Member for Adult Social Care, Public Health and Public Protection**

**Key Decision: Key**

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## **Executive Summary**

Wiltshire Council, in partnership with Wiltshire Clinical Commissioning Group (CCG), commission a joint Intermediate Care Service of a total of 70 beds, 55 step down beds and 10 step up beds, in 9 care homes across Wiltshire, with an additional 5 beds that the service is able to spot purchase as required. The Intermediate Care beds are funded via the Better Care Fund.

At any one time, there are a number of patients in acute beds whose medical episode is complete but who are unable to be safely discharged home at that point in time. Intermediate care beds in care homes are used as a 'stepping stone' to enable customers to return home after a spell in an acute or community hospital (step down beds). There are also beds which are accessible by GPs to admit patients who do not require acute care, but are not safe to remain at home, for short term care. The aim is to avoid customers being admitted to an acute hospital unnecessarily (step up beds).

The Council and CCG are committed to minimising the number of customers making decisions about their long-term care needs in an acute setting, increasing the number able to remain living at home and reducing the total number of customers who are permanently admitted into care homes.

## **Proposal(s)**

The request is that Cabinet:

- Approve an additional extension of the Intermediate Care Bed Service contracts as an exception for a further 12 months.
- Delegate authority to the Corporate Director with responsibility for Adult Care to approve the contract variations needed to achieve the above

A full review of bed based services will commence in September for completion in February. This will inform discussions with all providers, including the residential, nursing and intermediate care block providers, and then clearly

identify how many and what type of beds will need to be commissioned. Time will be needed to fully engage with the market.

**Reason for Proposal(s)**

The current Intermediate Care bed service contracts will expire on 31<sup>st</sup> March 2019; therefore, we are requesting that Cabinet approves an additional extension of these contracts as an exception for a further 12 months to enable a full Wiltshire bed review to be completed in order to ensure that the appropriate number and type of beds are commissioned across the system

**Dr Carlton Brand – Corporate Director**

## Wiltshire Council

### Cabinet

27 November 2018

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**Subject: Intermediate Care Bed Service**

**Cabinet Member: Cllr Jerry Wickham – Cabinet Member for Adult Social Care, Public Health and Public Protection**

**Key Decision: Key**

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### Purpose of Report

1. This paper requests that an extension to the current Intermediate Care bed service is agreed for a further year (until 31 March 2020) and that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve the necessary contract variations.

### Relevance to the Council's Business Plan

2. The Wiltshire Council Business Plan 2017-2027 makes a commitment to minimising the number of people able to remain living at home and reducing the total number of people who are permanently admitted to a care home.

### Background

3. Sixty of the Intermediate care beds are used as a 'stepping stone' for customers to return home after a spell in an acute or community hospital (step down beds). Ten beds are used as "step up beds" which are accessible by GPs to admit patients which will avoid the person being admitted to an acute setting unnecessarily.
4. The occupancy rates below demonstrate a high level of use of the Intermediate Care beds, with minimal void rate.

year	month	Step down %	Step up %
2017	August 2017	93	96
	September	89	95
	October	94	89
	November	93	91
	December	90	89
2018	January	95	90
	February	93	95
	March	91	95
	April	93	82
	May	95	95
	June	87	98
	July	89	93

5. The Council and CCG are committed to minimising the number of customers making decisions about their long-term care needs in an acute setting, increasing the number able to remain living at home and reducing the total number of customers who are permanently admitted into care homes.

### **Main Considerations for the Council**

6. For the Council to:
  - approve the extension of the current Intermediate Care bed service to enable continued support of people being discharged to an appropriate service and to support timely discharges from Acute hospitals, while a full Wiltshire wide bed review is conducted.
  - To approve that delegated authority is given to the Corporate Director with responsibility for Adult Care to approve the necessary contract variations.

### **Overview and Scrutiny Engagement**

7. Intermediate Care, and bed provision, was an area of focus for the Better Care Plan task group and remains an area of interest for the Health Select Committee, who will continue overseeing developments on this topic following Cabinet's decision.
8. Following an invitation from the Cabinet Member for Adult Social Care, Public Health and Public Protection a Rapid Scrutiny on this report took place on Thursday 8 November. The findings of the rapid scrutiny exercise are presented in Appendix 3.

### **Safeguarding Implications**

9. There are no known safeguarding implications.

### **Public Health Implications**

10. If the extension of the current Intermediate Care bed service is approved, there will be continued positive outcomes for service users' health and wellbeing. The aim of the service is to improve service users' independence to enable them to return home whenever possible.
11. If the extension of the current Intermediate Care bed service is not approved, there will be negative implications for service users and the Acute hospitals. For the service user, there will be unnecessary extended acute hospital stays, as the service user will not be safe to return home and rehabilitation will have to continue within the acute setting, which there is limited ability to do this. Extended stays in hospital lead to the service user experiencing a reduction in independence and requiring increased support on discharge or long-term placement.
12. For each organisation (CCG and the Council) if the extension is not approved there is the risk that Wiltshire will continue to commission inappropriate numbers of the various types of bed base, with potential negative financial implications. Currently the council has excess voids within the residential care block bed contract, which is suggesting that the council has too many of this

type of bed. The extension will allow for a review of all beds, not just IC beds, during which time we can consider the best use of all beds available.

### **Procurement Implications**

13. The request for a further extension to the Intermediate Care bed contract does fall outside of the current contract, which ends on March 31<sup>st</sup> 2019, therefore the request is for Cabinet to agree the extension as an exemption
14. Prior to the commencement of the extension timeframe (if Cabinet agree the request) Commissioning and Procurement will meet with the current bed providers to enter into negotiation with them in order to continue the contract with them for a further year.
15. The commissioners will also discuss the continued support of the beds with the current GP providers.

### **Equalities Impact of the Proposal**

16. An equalities impact assessment was carried out in conjunction with the Nursing home block bed tender in 2016.
17. The procurement of nursing/residential home beds through block contracts and framework agreements by the Council will support equitable access to 24hr care in a care home setting for people who do not have the financial means to secure this care themselves.
18. The specification for the service states that providers will be expected to demonstrate use of local resources and provision of services which take account of customer's religion and culture.
19. The procurement process ensures that organisations entering into a contract with the Council must have their own policies and procedures in place to comply with the Equality Act 2010.

### **Environmental and Climate Change Considerations**

20. There are no specific environmental or climate change considerations.

### **Risks that may arise if the proposed decision and related work is not taken**

21. If Cabinet were not to approve the extension of current arrangements, there will be the continued pressure on Intermediate Care beds, whilst there are other Wiltshire Council residential care block beds remaining vacant. The bed review will identify what bed base is required to best support Wiltshire's population, whilst providing best value.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

22. There may be a perceived risk that extending current arrangements removes some impetus to progress with transformation. Decreasing the number of Intermediate Care beds is written within each provider's contract and it has always been the plan to reduce the number of beds when the community has capacity to support this cohort of customers in their home environment. However, without the bed review we are not able to ensure we have the right

beds in the right place. The review will start in September and be for no longer than 6 months.

### Financial Implications

23. Intermediate Care bed service is funded via the Better Care Fund.

24. Beds currently commissioned are:

Care Home	step up	number of beds
	step down	
<b>NEW</b>		
Avon Court Chippenham	down	5
Avon Court Chippenham	down	5
Bassett House	down	5
Ex Athelstan House – now used as spot purchased beds	down	5
<b>Total for NEW</b>		<b>15</b>
<b>WWYKD</b>		
The Westbury	down	8
Market Lavington	down	7
<b>Total for WWYKD</b>		<b>15</b>
<b>SARUM</b>		
Camelot, Amesbury	down	5
Little Manor, Salisbury	down	14
Castle View	down	
Ashley Grange	down	6
<b>SARUM step down</b>		<b>25</b>
<b>SARUM step up</b>		
Ashley Grange	up	2
Kimberley House	up	8
<b>SARUM step up</b>		<b>10</b>
<b>Total for SARUM</b>		<b>35</b>
<b>Total for Wiltshire</b>		<b>70</b>

25. There will be a minimum cost increase due to annual uplift costs for 2019 – 2020, but there could also be the potential of providers requesting to review their rates as this exception falls outside the current contract dates, however these beds are funded from the Better Care Fund and not from the Council's base budget. This will form part of the negotiations as mentioned in para 14.

### **Legal Implications**

26. Local authorities must meet their duty of care to identify, assess and support people. The council must ensure that our population is provided with the most appropriate services which are value for money and provide effective, efficient support.
27. The proposed course of action is also consistent with the council's duty to secure "best value" under the Local Government Act 1999.
28. [The legal issues and risks associated with the proposed extension of current arrangements are set out in a separate Part 2 report.]

### **Options Considered**

29. Retender for current level of bed base of Intermediate Care beds. This was not considered to be a viable option as it would tie the Council into a longer period of time without a clear bed strategy.
30. Extension for a further year to enable completing a Wiltshire wide bed review, with the aim to then commission the appropriate number and type of beds to support Wiltshire's population.

### **31. Conclusions**

Cabinet is requested to:

- approve the extension of the Intermediate Care bed service contracts for a further year until 31 March 2020.
- Approve delegated authority to the Corporate Director for Adult Care for the contract variations needed to achieve the above.

This will continue to support the reduction in Delayed Transfer of Care and admissions to residential from an acute setting while enabling a Wiltshire wide bed review to be conducted during this time.

**Helen Jones**, Director of Commissioning

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Report Author: Deborah Elliott, Community Commissioner (Intermediate Care Bed Service),

21 August 2018

### **Appendices**

- Appendix 1 (part ii) Finance – exempt from publication  
Appendix 2 (part ii) Legal - exempt from publication  
Appendix 3 – minutes of the Rapid Scrutiny meeting

## **Background Papers**

None



Wiltshire Council

Cabinet 27 November 2018

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**Subject:** Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing

**Cabinet member:** Jerry Wickham - Adult Care, Public Health and Public Protection

**Key Decision:** Key

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## Executive Summary

This paper requests approval to an additional extension to the current contracts for supported living, floating support and supported housing (Appendix 1) for customers with a learning disability or mental health need.

The intended extension date is to 31 August 2019 so all contracts expire at the same time to allow the recommissioning of one overarching contract. This will save resources, align commissioned services to enable better market stability, and allow for co-production to happen. We are also undertaking a review of all accommodation to ensure we have a strategic framework for commissioning our providers. Contracts concerned are:

**Supported Living** - Accreditation scheme with 37 providers for the provision of care and support for people with learning disabilities. Contract expiring on 31 December 2018.

**Floating Support** – Two contracts (one mental health, one learning disability) which are for tenancy sustainment and increasing independence expire 31 March 2019.

**Supported Housing** – Seven contracts for mental health supported housing incorporating 10 separate schemes expire 31 March 2019.

**Residential Care** – Specialist residential care provision does not require extending but will form part of the re-commissioning

## Proposal(s)

The proposal is to extend each of the contractual agreements detailed at Appendix 1 until 31 August 2019. This paper also requests that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve:

- 1) The contract variations needed to achieve the above within the approved budget

2) The award of contracts within the approved budget following required tender processes

### **Reason for Proposals**

This extension is being requested for the following reasons to allow sufficient time to:

- consult with customers and providers around current services and to co-produce new service specifications for future services
- Undertake an accommodation review and develop a strategy
- carry out thorough research across other local authorities, and develop how we wish to commission and tender for these services from 1 July 2019
- allow sufficient time to allow any required tender processes to take place in keeping with procurement regulations.
- take into account that we have fragile market places that may take some time to shape and for relationships to be sufficiently developed to maximise opportunities
- ensure we are aligned on the future pathway with services and approaches as required by LD and MH transformation work to ensure services commissioned are fit for future purpose

**Dr Carlton Brand, Corporate Director**

## **Wiltshire Council**

### **Cabinet**

**27 November 2018**

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**Subject:**                    **Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing**

**Cabinet member:**    **Jerry Wickham - Adult Care, Public Health and Public Protection**

**Key Decision:**            **Key**

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### **1 Purpose of Report**

1.1 This paper requests approval to extend each of the contractual agreements detailed at Appendix 1 until 31 August 2019. This paper also requests that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve the contract variations needed to achieve the above and the award of contracts within the approved budget following required tender processes

### **2 Relevance to the Council's Business Plan**

2.1 These services support the Council's business plan to:

- Create stronger more resilient communities
- Protect vulnerable people within the community

### **3 Background**

3.1 The contracts detailed at Appendix 1 all fall under the remit of Specialist Commissioning. They were all commissioned separately and started within different years. The Learning Disability Floating Support Service is the most historic, dating back to 2006.

3.2 There are benefits to be gained in undertaking these workstreams co-currently:

- Shared good practice
- Focussed co-production with customers and providers
- Alignment with Learning Disability and Mental Health transformation workstreams.
- Reduction of the number of contracts
- Co-production and partnership working with all stakeholders

3.3 There are a number of pieces of work which need to be completed in relation to these services before the Council considers tendering for new providers:

- Timely and effective customer, families, professionals and provider consultation (co-production)
- Accommodation review to be completed
- Co-production to develop service specifications for each service – replacing existing specifications, many of which are outdated and no longer fit for purpose.
- Reviewing of funding models that are both appropriate and affordable for Wiltshire Council to ensure a sustainable provider market.

3.4 This work (including the tenders that will likely follow the preparation work) is likely to take approximately 9 months.

#### **4 Main considerations for the Council**

4.1 To agree to an extension to 31 August 2019 for the contracts detailed below to allow for a full re-commissioning and re-tendering to take place. It is very important that current services continue over this period whilst the re-shaping takes place.

#### **5 Overview & Scrutiny Engagement**

5.1 The Chairman of HSC had been approached and invited by the Cabinet Member for Adult Social Care, Public Health and Public Protection to undertake a rapid scrutiny of this subject in light of Cabinet and HSC meetings not tying up. A Rapid Scrutiny on this report took place on Thursday 8 November and there was support for the exemption as outlined in the paper presented.

#### **6 Safeguarding Implications**

6.1 It is imperative that customers currently receiving, or who may require a new, commissioned service are not, at any point in this process, without that service. Contingency plans will be created around each service with potential risks highlighted throughout the process.

#### **7 Public Health Implications**

7.1 The availability of services will ensure that the health and wellbeing of those in need can be maximised within existing settings.

## **8 Procurement Implications**

- 8.1 For the purposes of Wiltshire Council's Constitution, this request is an extraordinary exemption, as outlined in Part 10, Procurement & Contract Rules, Section C 14. The value of the contracts necessitates a key decision for award by Cabinet.
- 8.2 There is insufficient time to reshape the services and go to market before the existing contracts come to an end and to achieve continuity of service the services of the existing providers need to be retained.
- 8.3 A new service commencement date of 1<sup>st</sup> September 2019, indicates that service redesign and co-production will need to be complete by the end of March 2019 to allow sufficient time for the tendering process and any resulting TUPE considerations. Proposed draft Tender timetable:

Tender 'go-live'	1 April 2019
Deadline for provider submissions	30 April 2019
Evaluation	1 May – 31 May 2019
Handover/TUPE	1 June – 31 August 2019
New contracts begin	1 September 2019

## **9 Equalities Impact of the Proposal** (detailing conclusions identified from Equality Analysis, sections 4 and 5)

- 9.1 An Equality Analysis is not required in this case, as the risks to the Council are considered as 'Low' under the Equalities Risk Criteria Table. This is a request to extend existing contracts to 31 August 2018 – it is not looking to end any of these arrangements. The impact on providers of these services and the customers in receipt of these services is low.

## **10 Environmental and Climate Change Considerations**

- 10.1 By ensuring a level of choice of service provision across Wiltshire and supporting people to stay in their existing homes/tenancies through supported living/floating support/supported housing this will help to ensure that Wiltshire residents can remain living in their local community area.

## **11 Risk Assessment**

- 11.1 Risks are limited and restricted to market challenge however the proposal is compliant with Procurement and Contract rules.

## **12 Risks that may arise if the proposed decision and related work is not taken**

- 12.1 A significant risk is that the current contracts will expire, without alternative contractual arrangements in place due to insufficient time to undertake the work required to get to the point of new contracts with new co-produced

service specifications. There will be no mechanisms in place to manage the costs of any new services procured which could have an impact on budgets.

### **13 Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

13.1 The proposed extension of these contracts carries some risk of challenge from the market however the relatively short-term nature of the contracts and likelihood of change in service may make this less likely.

13.2 There is a risk that we are unable to meet support needs of customers as providers on the current supported living framework have informed us they are not currently tendering for new work due to the fact that prices have been frozen for 4 years as no uplifts have been applied for new work. Uplifts of 3.72% have been applied to existing packages over the last 2 years to allow for National Living and Minimum Wage increase costs that providers incurred. To encourage providers to bid it is proposed to uplift the prices on the framework by 3.72% for new work only. This will only be for the period of the extension and will merely bring prices in line with existing packages.

### **14 Financial Implications**

14.1 This report asks for delegated authority to, where appropriate, renew these contracts up until 31<sup>st</sup> August 2019 and does not commit the council to any new spend. Details of the current contacts are in Appendix 1 (Part 2)

14.2 The extensions are required to allow for the development of sustainable and cost-effective funding models for these services going forward.

14.3 It is anticipated that the new service models will achieve savings from the spot contracts and as the work on consultation and specifying requirements continues, options appraisals for a range of savings will be evaluated.

### **15 Legal Implications**

15.1 Local authorities must meet their duty of care to identify, assess and support people. The council must ensure that our population is provided with the most appropriate services which are value for money and provide effective, efficient support

15.2 The proposed course of action is also consistent with the council's duty to secure "best value" under the Local Government Act 1999.

15.3 The legal issues and risks associated with the proposed extension of current arrangements are set out in a separate Part 2 report (Appendix 2)

### **16 Options Considered**

16.1 The following options have been considered as not suitable:

- Do nothing – the current contracts will expire on their respective expiry dates and services may cease. Supported living providers will no longer have set agreed rates under contract – risk of hourly rates increasing for new packages.
- Tender for services now, using current services specifications. This does not allow for service development and co-production. Contracts will be in place, however issues with existing services will continue. This will not align with ongoing transformation and accommodation workstreams.

## **17 Conclusions**

17.1 It is recommended that Cabinet approves the extension as an exception of the contracts/services detailed at Appendix 1 until 31 August 2019.

17.2 It is also recommended that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve:

- 1) The required contracts variations to achieve the above within the approved budgets
- 2) Award of contracts within the approved budgets following required tender processes.

### **Helen Jones – Director of Commissioning**

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Report Author:

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07554 438575

### **Background Papers**

The following documents have been relied on in the preparation of this report:  
None

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of the Local Government Act 1972.

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