

Wiltshire Council

Cabinet: Cabinet

19 November 2019

Subject: Proposals for special schools in the north of Wiltshire - Outcome of statutory consultation (September 2019)

Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills

Key Decision: Key

Executive Summary

At a meeting of Cabinet on 22 May 2019, the following resolutions were agreed:
That Cabinet:

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

That this would be achieved by:

- a) Subject to consent of the Secretary of State, approving the issue of a statutory notice and 4-week representation period on the proposal to discontinue St Nicholas, Larkrise and Rowdeford as three separate Special Schools with effect from no later than the 31 August 2021. The notice also to refer to the opening of one new special school from September 2021 under the Opening and Closing Maintained Schools Guidance November 2018.
- b) Approving that the Council would present a proposal to the School's Adjudicator to open a new maintained special school, subject to conclusions of the representation process.
- c) Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November

2018, to transfer to the Rowdeford site the provision at St Nicholas and Larkrise. This statutory process would take place no later than 12 months before the opening of the new provision. This would result in the closure of the St Nicholas and Larkrise sites at an appropriate time after the new provision is built.

- d) Approving that the new school will have primary, secondary and Post 16 provision on the Rowdeford site (early years not to be included due to sufficiency).
- e) Noting and approving the proposal for a parallel programme of work to create a cross county approach to Post 16 special education and transition to independent living.
- f) Noting the contribution of changes to special schools within the wider review of SEND, with particular regard to the investment and relationship with mainstream schools, resource bases in primary schools and Enhanced Learning Provision (ELP) in secondary schools.
- g) Noting the commitment to explore the appropriateness of improving road safety features by including the entrance to the Rowdeford school site within lowered speed limits and exploring the consideration of a pedestrian crossing.
- h) Noting the commitment to take forward consideration of locating community care health professionals and provision from the Rowdeford school site.

This report describes what was said in the consultation regarding these proposals.

All consultation responses have been included in this report. In summary the feedback given showed that:

- There is support for keeping the three sites open with parent carers arguing that this affords them choice
- Having a single integrated leadership team to run all three sites is supported
- Some consultees believe that Council's long-term intent is to close the two sites at Larkrise and St Nicholas
- Those supporting the proposals do not want further delay, and believe that there needs to be greater certainty for pupils, parents and staff
- A number of people felt that building all the new provision at Rowdeford was not appropriate and that new places should also be built at the other two sites
- Planning for the transition of pupils from and to the various sites needs to be sensitively considered, particularly being mindful of the need to have additional places in 2020 and onwards prior to the new school places being available.
- There needs to be a clear change management plan with support and professional development to ensure all staff improve their skills and abilities to teach a wider range of children and young people

As a result of the responses received during the representation period/consultation it is proposed that the following changes/clarifications be made to those proposals already agreed:

1. Committing £33.194 million to deliver this proposal which is an increase on the May estimate figures in light of the more detailed costs now available and the revised needs analysis.

2. Amending the wording of May's resolution 6c, which was:

*c) Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018, **to transfer** to the Rowdeford site the provision at St Nicholas and Larkrise. This statutory process would take place no later than 12 months before the opening of the new provision. This would result in the closure of the St Nicholas and Larkrise sites at an appropriate time after the new provision is built.*

To the proposed 6d as detailed below:

*d) Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018), **to consult on the appropriateness of transferring** the provision at St Nicholas and Larkrise to the Rowdeford site no later than 12 months before opening all the new provision. **This consultation would be determined by:***

- The demand for places forecasted at the time of the consultation*
- Taking into account the journey experience of all pupils needing specialist education provision*
- The views of current and future stakeholders and particularly children and young people with SEND and their parent carers*
- The wider development of inclusive education for children and young people with SEND living in Wiltshire and the role of the New School within this system.*

This wording is more in line with resolution 4, which states that Cabinet approves that St Nicholas and Larkrise stay in use on their current sites until the new provision is ready, and it is appropriate for children to transition to the new site at Rowdeford.

Proposals:

Hence, having completed the representation and considered the consultation responses, it is recommended that the Cabinet:

1. Approves the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowdeford and Larkrise schools as soon as possible and no later than 1 September 2021
2. Approves the closure of St Nicholas, Rowdeford and Larkrise school as a related proposal no later than the 31 August 2021
3. Approves expansion on the existing Rowdeford site to accommodate up to 400 pupils as part of the new special school by September 2023

4. Recommends that a new capital budget is included in the Capital Programme 20/21 which will be approved by Full council in February 2020 at the revised level of £33.194 million required to deliver this proposal
5. Approves that the sites of St Nicholas and Larkrise stay in use until the new provision is ready, and it is appropriate to consider children/young people transitioning to the new site at Rowdeford
6. Authorises the Executive Director of Children's Services, after consultation with the Cabinet member for Children, Education and Skills, the Director of Legal, Electoral and Registration Services and Chief Finance Officer/Section 151 Officer to take all necessary steps to implement Cabinet's decision

That this is achieved by:

- a) Approving that the Council would present a proposal to the School's Adjudicator to open a new amalgamated maintained special school
- b) Approving that the New School will have primary, secondary and Post 16 provision on the Rowdeford site (early years not to be included due to sufficiency)
- c) Noting and approving the proposal for a parallel programme of work to create a cross county approach to Post 16 special education and transition to independent living
- d) Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018), to consult on the appropriateness of transferring the provision at St Nicholas and Larkrise to the Rowdeford site no later than 12 months before opening all the new provision. This consultation would be determined by:
 - The demand for places forecasted at the time of the consultation
 - The views of current and future stakeholders and particularly children and young people with SEND and their parent carers
 - The wider development of inclusive education for children and young people with SEND living in Wiltshire and the role of the New School within this system.

Reasons for Proposals

For Cabinet to consider the responses from the Representation phase of the consultation on proposals to close three special schools (Rowdeford, St Nicholas and Larkrise) and open a new amalgamated school across all three existing sites.

Terence Herbert
Executive Director

Wiltshire Council

Cabinet: Cabinet

19 November 2019

Subject: Proposals for special schools in the north of Wiltshire - Outcome of statutory consultation (September 2019)

Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills

Key Decision: Key

Purpose of Report

1. The purpose of this report is to bring to Cabinet the responses from the Representation phase of the consultation on a proposal to close three special schools (Rowdeford, St Nicholas and Larkrise) and open a new amalgamated school across all three existing sites.



Relevance to the Council's Business Plan

2. This report is in relation to Wiltshire's Special School provision and 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. In 2014 the Children and Families Act set out the need to develop the quality of engagement with families and children/young people with SEND. This has positively raised expectations about life outcomes for children with SEND and supported parent/carers, schools and community organisations to work with Local Authorities to develop and improve the quality of educational provision.
4. In 2018 Wiltshire was inspected through the SEND Local Area Inspection and the Council was endorsed in their vision and practice meeting the needs of children with SEND.
5. However, in order to achieve excellence, the Council recognised that it needed to further develop provision in Special Schools in Wiltshire. In November 2018, the Council identified four drivers for change:



- **Sufficiency of provision** – an additional 220 special school places are needed across the county by 2026, including a minimum 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.
- **Quality of provision** – the physical condition of two of our special schools (Larkrise and St Nicholas) is challenging. Additionally, there is no Outstanding special school provision in Wiltshire and there is an ambition for the New School to achieve outstanding status as a priority.
- **Pupil Outcomes** – there is an ambition that the New School, as part of a system of excellence, provides *outreach* to mainstream schools to support the inclusion and improved outcomes of pupils with Moderate Learning Difficulties (MLD). In-reach will also offer MLD pupils (and their teachers and carers)

based in mainstream opportunities to learn from the New School. 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.

- **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 by £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 distant 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 communities in Wiltshire.



6. In November 2018 Cabinet agreed proposals to consult on closing Rowdeford, Larkrise and St Nicholas Special schools and on opening a new school in Rowde on the site of Rowdeford school. These proposals had been drawn together over the past three years, as part of the SEND Strategy 2015 – 19, to create new and improved educational provision for children and young people with SEND.

7. In May 2019 Cabinet:

- Approved the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowdeford and Larkrise schools as soon as possible and no later than 1 September 2021
- Approved the closure of St Nicholas, Rowdeford and Larkrise school as a related proposal on the 31 August 2021
- Approved expansion on the existing Rowdeford site to accommodate up to 400 pupils as part of the new special school by September 2023
- Approved that St Nicholas and Larkrise stay in use on their current sites until the new provision is ready, and it is appropriate for children to transition to the new site at Rowdeford.

8. The proposal was a significant change from the November 2018 proposal. These proposals were altered because:

- Cabinet felt that this was an appropriate response to the challenge presented by parent carer representatives, predominantly from Larkrise and St Nicholas schools, that those proposals would not provide sufficient local education for children and young people requiring a special school education in Trowbridge and Chippenham.

*St Nicolas Parent:
"I'm absolutely,
wholeheartedly
behind this, so long
as we still carry on
with choice."*

- Continued pressure on demand has not desisted and indeed could increase beyond the growth projections established in 2017, suggesting a need for further flexibility in provision going forward. Work is being taken forward to reduce such pressures led through a new Inclusion and SEND strategy which is currently in consultation. This has been supported by a recent ISOS¹ strategic review of support, services and provision for children and young people with high needs in Wiltshire. It is also acknowledged that some of the provision must be available for new pupils in September 2020.

9. Thus, key changes included:

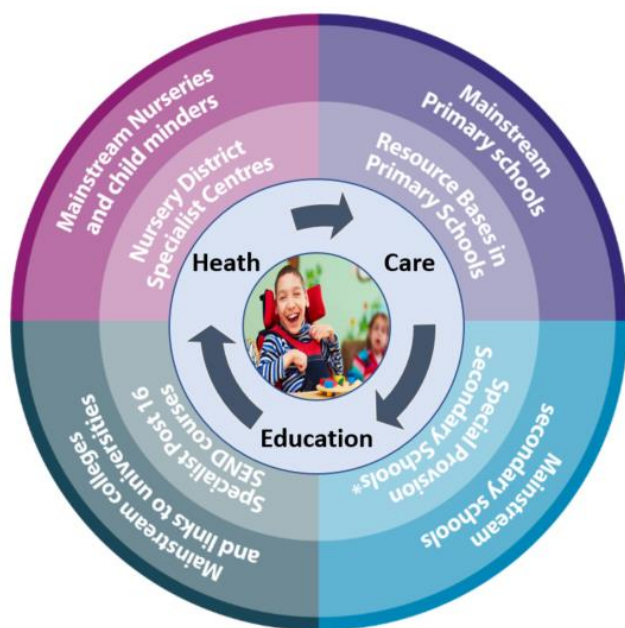
- An agreement that all three sites would be kept open until it is appropriate for children to transition, enabling a phased development of the New School buildings and a phased transition of pupils to the most appropriate accommodation for their needs. With all three sites in use, children/young people would only be placed or moved between sites as is most appropriate to meet the needs of their Education Health and Care Plan (EHCP) in consultation with the views and wishes of their parent/carers.

*St Nicolas Parent:
"Because this is going
to be looked at by all
other rural areas in this
country, you must get a
principal in who's an
absolute beacon."*

THE VISION

10. Wiltshire Council's vision for a new amalgamated special school across the three sites affords a once in a generation opportunity to reimagine and improve education provision for children with a range of complex needs, working closely with parents and carers, teachers, social and health care professionals and children and young people themselves.

¹ <https://www.isospartnership.com/> - A research and advisory company with a track-record in developing policy, improving delivery, and building capacity within the public sector



11. The vision is to transform the education system to become significantly more inclusive and therefore better meet the needs of all our children who in turn will be better able to realise their own hopes, dreams and aspirations.

12. The Council wants every child and young person with SEND to have a brilliant education, and for mainstream schools and the wider communities across Wiltshire to access expertise in inclusion from the amalgamated New School. This means:

- Outstanding teaching from well-trained, well-paid, caring, specialist and dedicated staff

- Attractive buildings - safe, friendly, calm and engaging places with wide corridors and lots of natural light
- Strong links with mainstream schools, with a special outreach provision (or resource base) in at least one primary and one secondary school in each key locality
- New world class facilities and support: hydro-pools, sensory rooms, physio, open outdoor space, speech and language therapy, family care
- Strong and vibrant community links – with cafés, community gardens and public playing fields – with inclusive businesses and civic spaces and services that facilitate and advocate independent living for all
- Improved inclusion and outcomes for children with SEND at secondary age
- Effective links with specialist nurseries, offering children with special needs seamless attention from the time they are tots to their teenage years
- Good transport routes and means of transport between the sites, central to the home locations of children and young people with SEND

13. The Council is committed to children with SEND being educated wherever possible in mainstream education, improving inclusion and reducing demand on special school places. The new amalgamated school is pivotal to achieving this ambition within a system of excellence for all children.

Main Considerations for the Council

14. There are two main considerations for Cabinet in deciding on whether and how to implement the proposals put forward in May 2019:

- The responses and views put forward through the representation or consultation period between 1 to 30 September 2019

- The need for new places in 2020 and onwards, prior to the New School's additional places being available, and the potential for the requirement for additional places in 2023, being mindful of future demand.

The Representation Responses

15. On 2 September 2019 Wiltshire Council issued a Statutory Notice regarding the closure of:

- St Nicholas School, (Special) Malmesbury Road, Chippenham, Wiltshire, SN15 1QF
- Rowdeford School, (Special) 2 St Edith's Marsh, Rowde, Wiltshire. SN10 2QQ, and
- Larkrise School, (Special) Ashton St, Trowbridge, Wiltshire. BA14 7EB
- and the related opening of a new amalgamated special school across the three existing sites

A copy of the Notice and full proposal with a timeline can be found in Appendix 1

16. A consultation period was open for four weeks between 2 September and 30 September 2019 to enable the appropriate "representation" on the published proposals. All consultation responses are included in this report.

The Consultation Methodology

17. In September 2019 Wiltshire Council, in partnership with Wiltshire Parent Carer Council (WPCC), began the "representation" phase of the proposal. This included:

- Meetings run by Wiltshire Council for:
 - Parent/carers with children/young people being educated in each of the schools
 - Staff and governors of the three schools
 - Pupil representatives at each of the three schools
 - Wiltshire Youth Union
- An online survey
- A webinar run by WPCC for parent/carers across the county including parent/carers of younger children currently attending district specialist centres (Nursery settings for children with Special Educational Needs and Disabilities)
- An email address where all longer comments and concerns could be sent
- Officers meeting with representatives of the Friends of Larkrise and St Nicholas

18. Links to the online documentation and consultation options were shared with:

- All neighbouring Local Authorities
- Local Authorities other than Wiltshire maintaining or funding children's EHCPs who attend one of the special schools
- Local Area Boards and parish/town councils
- Provider stakeholders e.g. Virgin Care and Oxford Health
- Wiltshire Parent Carer Council (WPCC)
- All Wiltshire schools via Right Choice and via direct email
- Special schools in neighbouring counties

- District Specialist Centres and the Portage Service
- All registered early years and childcare provision in Wiltshire
- Post 16 education providers
- The DfE

19. A summary of the meetings held is below:

Meeting hosted by	Where	Audience	Number attended	When	Time
Wiltshire Council	Rowdeford	Staff	16	12 Sep 2019	15.30 – 16.30
Wiltshire Council	Rowdeford	Parent carers	9	12 Sep 2019	16.45 – 17.45
Wiltshire Council	Rowdeford	Governors	6	12 Sep 2019	18.00 – 19.00
Wiltshire Council	St Nicholas	Parent carers	3	18 Sep 2019	14.30 – 15.30
Wiltshire Council	St Nicholas	Staff	30	18 Sep 2019	15.30 – 16.30
Wiltshire Council	St Nicholas	Governors	6	18 Sep 2019	18.00 – 19.00
Wiltshire Council	St Nicholas	Parent carers	7	18 Sep 2019	19.00 – 20.00
Wiltshire Council	Larkrise	Parent carers	10	19 Sep 2019	14.15 – 15.15
Wiltshire Council	Larkrise	Staff	16	19 Sep 2019	15.45 – 16.45
Wiltshire Council	Larkrise	Governors	3	19 Sep 2019	17.00 – 18.00
Wiltshire Council	Poplar College	16+ students	11	24 Sep 2019	13.00 – 14.00
Wiltshire Council	St Nicholas	Pupils	10	24 Sep 2019	14.00 – 15.00
Wiltshire Council	Rowdeford	Pupils	25	25 Sep 2019	11.15 – 12.15
Wiltshire Council	Larkrise	Pupils	25	25 Sep 2019	13.30 – 14.30
WPCC	Webinar	Parent carers	Open	25 Sep 2019	18.00 – 19.00
Wiltshire Council	County Hall	Wiltshire Youth Union	20	26 Sep 2019	18.00 – 19.00
Wiltshire Council	County Hall	Parent carers	7	30 Sep 2019	10.30 – 11.30

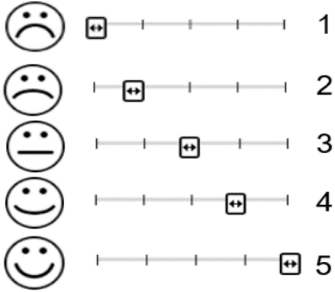
20. There were lower levels of engagement online in comparison with the pre-publication consultation, with 93 responses:

- 35 from “Parent/carer of a child attending Larkrise, St Nicholas or Rowdeford School”
- 3 from “A child or young person attending Larkrise, St Nicholas or Rowdeford School”
- 8 from “Friend or other relative of a family with a child attending Larkrise, St Nicholas or Rowdeford School”
- 31 from “Staff member or governor of Larkrise, St Nicholas or Rowdeford School”
- 16 from “Professional with an interest in special educational needs and/or disability”
- 16 from “Parent/carer of a child with a special educational need and/or disability being educated elsewhere”
- 4 “Friend or other relative of a family with a child with a special educational need and/or disability being educated elsewhere”
- 9 “Other”²

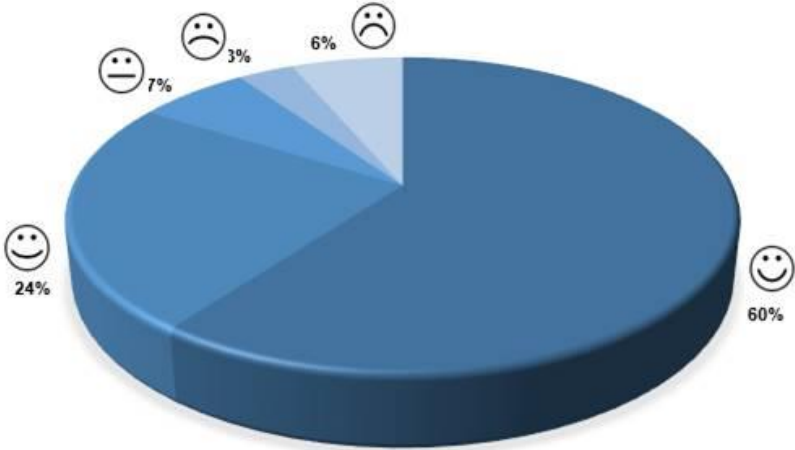
21. Of those that recorded that they were linked to one of the schools, there was an even split of representation (approximately 26 for each school).

² (NB recipients could tick more than one category)

22. The responses to the questions in the on-line survey are outlined in the charts below (A copy of survey and additional comments made can be viewed in Appendix 2). In order to make the survey useable by children and young people as well as other stakeholder, emojis on a sliding scale were used rather than descriptors. (numbers have been added here for reference, and were not shown in the survey, e.g. emoji 1)

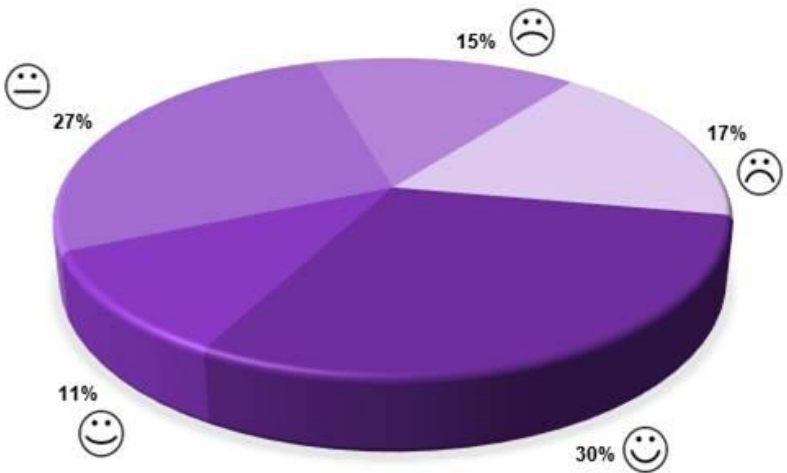


Use the slider to show if you're happy that there will be Post-16 provision at the new school?



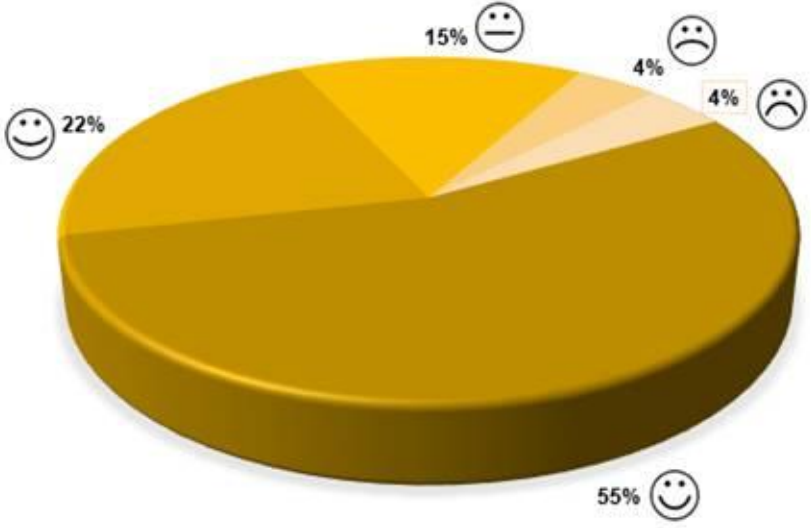
There was strong support for developing post 16 provision and respondents were hopeful that a “virtual” school approach alongside a presence at the new school site would be a positive development.

Are you happy that we don't need to have nursery (early years) provision at the new school?



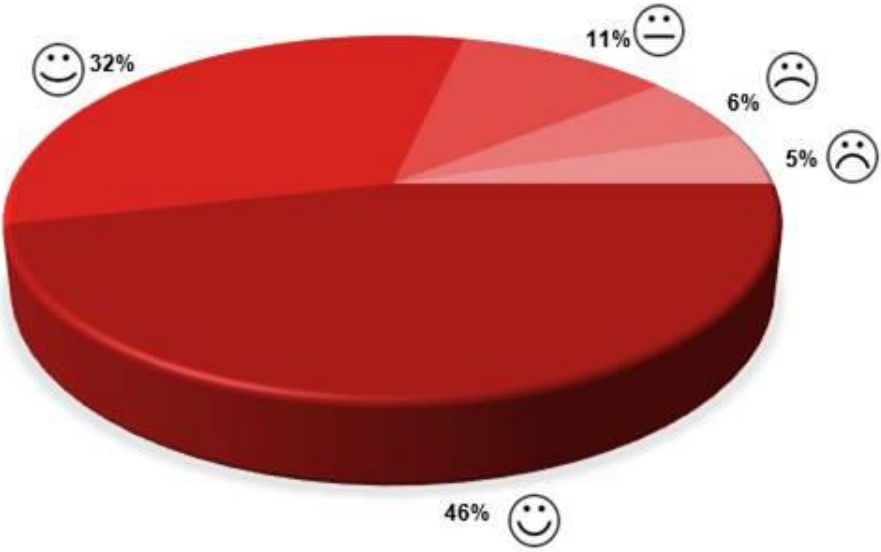
23. Consultees in the pre-consultation phase asked that pre-school activity should not be replicated in the new provision as the District Specialist Centres ensure sufficient and high-quality provision. 41% supported that there should not be early years provision, with 27% not having a strong view either way.

Are you happy that the new school is planned to be a local authority-maintained school as opposed to an academy?



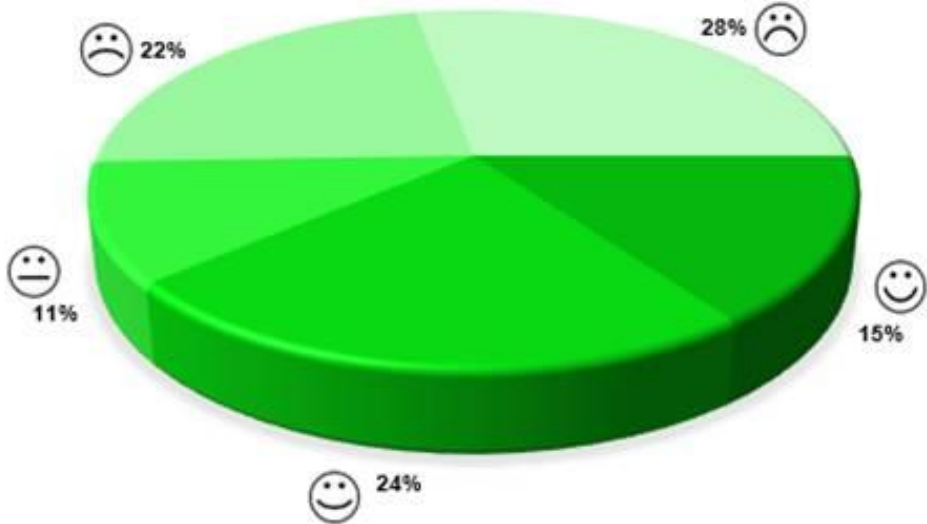
24. There continues to be strong support (77%) for the new school being a maintained school. This came up frequently in the representation meetings, with a lot of active support for the Local Authority being involved alongside existing governors, parent carers and pupils in the development of the new school.

To what extent do you think the new school should support mainstream schools about being more inclusive and accessible to children and young people with SEND?



25. This was one of the areas of strongest support, with many parent/carers wanting to see links with mainstream schools. However, there was a small minority who felt that this would not be helpful for all children/young people.

To what extent do you support the proposal?



26. 39% of respondents choose an emoji that supported the overall proposal. 11% did not have a strong view either way. Of the 50% that gave low scores (emoji 1 or 2), the main reasons given were: the resulting size of the new school at Rowdeford would be too large ('untenable', 'overwhelming', 'institution'); and the decision to build the extra places in a perceived isolated location (lack of community facilities, distance to travel; concerns over current road infrastructure to accommodate increased traffic). There was also a concern about jeopardising what makes Rowdeford 'special' – sacrificing space for numbers. Most respondents who selected emoji 1 or 2 were assuming that the proposals still meant Larkrise and St Nicholas schools would close in two years' time and that parental choice will be removed. For some, there is a desire that the investment should be split between the three sites (Chippenham, Trowbridge and Rowde). The MP for South West Wiltshire, Rt Hon Andrew Murrison, responded that the St Nicholas and Larkrise sites should remain for Key Stages 1 and 2 at least.

27. Of those who were supportive of the proposal, additional comments included: a desire that the three sites should stay open beyond 2023 to allow for parental choice in the future; that the inclusion agenda expands to "reducing the discrimination and stigma that surrounds children and adults with disabilities in the county of Wiltshire" and a wish that secondary schools adopt the Resource Base facility currently evident in primary provision. Comments also included that the school site was specified in EHCPs and not the generic school name to allow for parental choice. Some expressed concern over the lack of investment in Larkrise and St Nicholas and a fear that these sites will be 'run down'. There was also a request that resources are made available

St Nicholas Governor:
"It's quite hard to have belief when you feel you've been let down so often. But we are willing to work with you as long as we feel that you are working towards the best interests of all the children not just the ones who are here."

to expand provision to the new site. E.g. funding to enable early starts for staff so that they could be trained and get to know the children/young people.

28. For those choosing emoji 3, they were mostly unsure of the detail and how the New School will meet the needs of all parent/carers, staff and pupils and were not confident about what they were supporting. There was an appreciation that more places are needed but a hesitation given in supporting Rowdeford as the best location for all these additional places.

Analysis of the Representation Meetings, Letters and Emails

29. A copy of the transcripts staff, parent carer and governor meetings are attached as Appendix 3. To view the WPCC webinar for parent carers [click here](#)³. A copy of the letters and emails received is attached as Appendix 4. Letters that specifically refer to individual children, or the respondent has not given consent to share their response, are not being made publicly available, but have been shared with Cabinet Members with names redacted as appropriate. The audio tapes of all meetings have been made available to the Cabinet Member for Children, Education & Skills. Key points from the meetings included:

*Staff event:
"Sharing tasks is fine but we've got a lot of expertise and it does feel like there's going to be cuts somewhere. And Admin and SLT seemed to be the prime factors and I think children are the most important thing, obviously, but it's very hard looking forward in a year's time to see where I'm going to be."*

Where	Audience	Key themes
Rowdeford	Staff	<ul style="list-style-type: none"> • Broadly in support of the proposal • Some voiced concern about loss of space • Recognition of professional development opportunities • Welcomed the opportunity to grow and become a nationally recognised school
St Nicholas	Staff	<ul style="list-style-type: none"> • Concerns about all the funding going to Rowdeford and that St Nicholas would be a poor relation • General concerns that the Local Authority was intent on shutting all but the Rowdeford site • Admin staff were concerned about job security • That this was an opportunity for career development
Larkrise	Staff	<ul style="list-style-type: none"> • Concerns made about the potential loss of provision in the locality and that this was a key part of the success of the provision at Larkrise • Concerns about lack of capital investment in Larkrise • Concerns about job security and opportunities going forward • Wish for better understanding of New School staffing model and any transition arrangements • Worried about the children they teach

³ <https://register.gotowebinar.com/recording/8649164585650968834>

Where	Audience	Key themes
		<ul style="list-style-type: none"> Concerns about the lack of experience in teaching children with complex needs at Rowdeford
Rowdeford	Parent carers	<ul style="list-style-type: none"> Some parent carers voiced concerns that they had read negative historical concerns in the press On the whole, support for the new proposal
St Nicholas	Parent carers (2 sessions held)	<ul style="list-style-type: none"> Some concerns about the actual clarity of the final proposal Many favourable comments about the potential of a 3 site 1 school solution – the beacon of excellence that this might afford was an ambition that resonated with several parent carers
Larkrise	Parent carers	<ul style="list-style-type: none"> Strong concerns and opposition to the proposal as it was believed that the LA was intent on closing the Larkrise site Feeling that the proposal was misleading Concern that there is no capital being allocated to enhance the SEND provision in Trowbridge Some parents articulated a lack of trust in the LA and officers
County Hall	Parent carers	<ul style="list-style-type: none"> Generally supportive of the 1 school 3 site model, feeling this gave parent carers greater choice A desire for regular engagement in order to move the proposal forward
Rowdeford	Governors	<ul style="list-style-type: none"> The Chair of Governors spoke favourably about the proposal in general Much discussion was had on the nature and make-up of the proposed Shadow Governing Body and the Governing Body
St Nicholas	Governors	<ul style="list-style-type: none"> Lack of clarity about the actual configuration being proposed A number of concerns raised about the proposal Many felt that trust had been eroded over time They felt they had not been listened to previously but felt that a new relationship was potentially being built and wanted to work with the LA on any proposal going forward Supported the wider inclusion agenda
Larkrise	Governors	<ul style="list-style-type: none"> Very positive views expressed about the choice that a 3 site 1 school proposal afforded parent carers It was felt that the proposal (if all 3 sites were kept open) was an exciting opportunity The governors chose to lead the meeting with a set of questions for the LA officers, wanting to get clarity on the best way forward
Poplar College	16+ students	<ul style="list-style-type: none"> Positive discussion about what is working well at Poplar College.

Where	Audience	Key themes
		<ul style="list-style-type: none"> • Some concerns about travel arrangements • Enjoyed the range of sporting and recreational activities afforded by Poplar and wanted to ensure they continued to build on this in the New School
St Nicholas	Pupils	<ul style="list-style-type: none"> • The hydrotherapy pool, walking, gardening, outside space were among those things they liked and wanted to build on • They wanted to have more outside space • Children enjoy the interaction with the Chippenham locality • They have the Paralympics in the summer in partnership with Hardenhuish
Rowdeford	Pupils	<ul style="list-style-type: none"> • They felt that vocational options, work skills and community interaction were very important • Lots of emphasis on the hands-on activities – go carting, swimming etc. • Interest and support for a 6th form offer although some wanted to consider whether they might be better served in alternative post 16 provision • Desire for enhanced lunchtime facilities • Journey to and from schools was problematic to some, but liked by others
Larkrise	Pupils	<ul style="list-style-type: none"> • Students enjoyed the ease in which they could integrate into the local community • A desire for more play activities • Wanted to continue to use their excellent IT skills going forward
County Hall	Wiltshire Youth Union	<ul style="list-style-type: none"> • The young people expressed some support for the 3 sites 1 school model • The importance of locality provision was emphasised • The efficacy of primary bases was mentioned as potentially offering a model for secondary provision • The young people were keen to engage in any shadow governing body and actual governing body if possible as associate governors • There was strong support for the inclusion agenda

30. There was widespread support for keeping the three sites open, with parent carers appreciating the choice this gives them. Having a single integrated leadership team to run all three sites was broadly supported. In the meeting with parent carers, staff and governors, many remained sceptical of the Council's intent and believed the approach is disguising a longer-term intent to still close two of the sites. Some expressed disappointment that there is no capital development money for Larkrise and St Nicholas and fear this will lead to both sites becoming the poor relations in comparison to the Rowdeford site. Of those that supported the proposal, there was an overwhelming belief that there should not be further delay in getting on with the proposal and wanted to get greater clarity as to exactly what this will mean for pupils in the coming years. Some governors and staff from Rowdeford expressed concern that they will be losing space.

31. The clause "Approves that St Nicholas and Larkrise stay in use on their current sites until the new provision is ready, and it is appropriate for children to transition to the new site at Rowdeford" was felt to be ambiguous. For some, this was positive and shows that all stakeholders will consider how best to use the three sites in a sensitive way going forward. For others, this suggested that the Council remains committed to the one site proposal. In the minds of a significant number of consultees it would never be "appropriate for [some] children to transition" to the new site at Rowdeford.

*St Nicholas Governor:
"If it's a hearts and minds exercise by the local authority, it's welcome, if it's genuine but please beware the lack of trust we've had over the last four years, you've got a huge hurdle on that but I think if you can get across and it's plausible and it looks as if we will have a say in how all this works and there is a good chance of getting what is best for our children and the school then yes you can get us on board but there's a long way to go."*

32. There was a strong view that each of the schools make good use of and contribute to their localities and that this affords good opportunities for young people to develop independent living skills as they transition to adulthood. However, this positive view was often limited to one location and not believed to be possible at other sites.

33. Some staff, particularly in administration positions, were anxious about their jobs. However, many felt that a one school, three sites model could offer career opportunities.

34. Planning for the transition of pupils from and to the various sites needs to be sensitively considered taking account of the parallel construction, and curriculum and pastoral developments that need to be managed to ensure that the New School operates effectively in academic years 2020-2021, 2021- 2022, 2022-2023 and then on opening the full New School places in 2023. Staff particularly discussed that while all three sites would remain open this may mean that, in time, terms and conditions may need to change to enable good provision at all locations. This was seen both negatively and positively. It was acknowledged that offering all children/young people opportunities to move site should be considered.



35. There was a widespread agreement that a change management plan should provide support and professional development to ensure all staff improved their skills and abilities to teach a wider range of children and young people. It was strongly emphasised that there should be budgetary provision for this.

*Online response:
 "The whole proposal smacks of a return to 'institutionalised education', where all the children with special needs are thrown together in one place, out of the public gaze and segregated from the rest of society."*

Feedback from young people

36. Officers visited all schools and met with pupils. Notes from these meetings are attached as Appendix 5. Pupils like their staff and want to build on these positive relationships. They want to be part of their localities and integrated with their peers and wider public. Facilities such as the hydrotherapy rooms are widely enjoyed. Travel arrangements for some are not liked. Some are travelling very long distances and spend a long time in taxis, something further negatively compounded if taxis arrive early to school and have to wait before allowing pupils to disembark. Equally, some said how much they like their journey to school and would like to see, more onboard activities, breakfast clubs and after school clubs to extend their day.

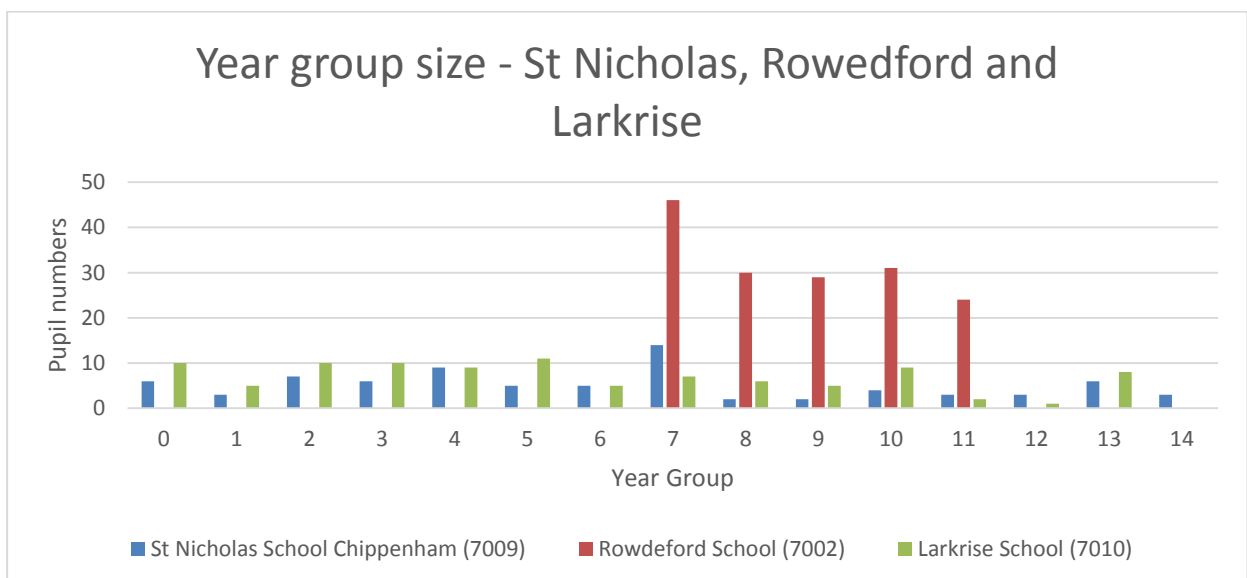
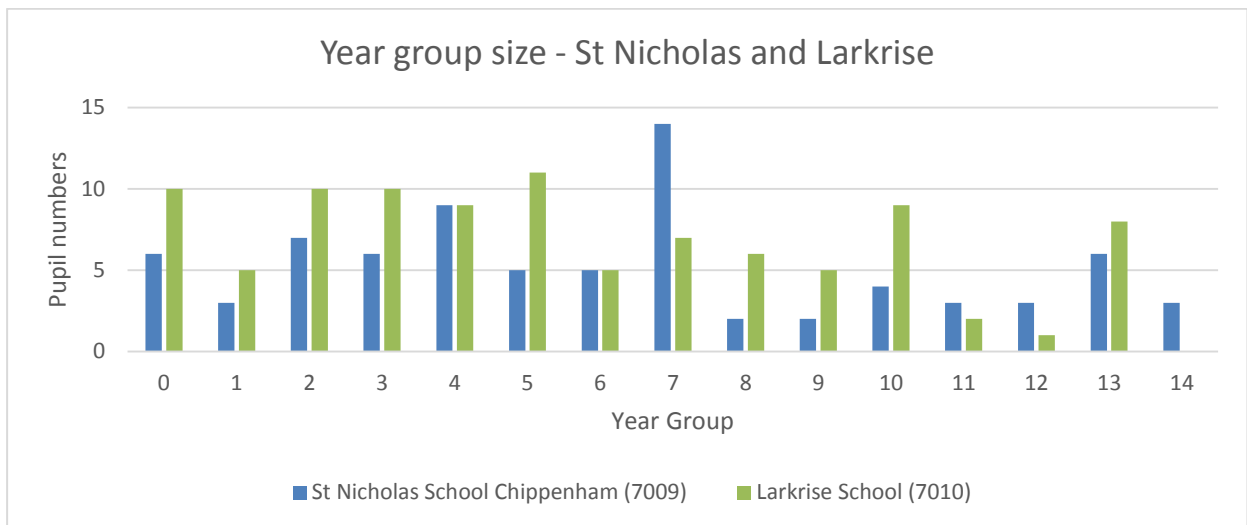
Overview of demand for special school places

37. In 2017 it was identified that 31 additional places, and particularly 12 places for children/young people with complex needs, would be needed in 2019. Places have been increased at both Larkrise and St Nicholas to meet this demand, but they are now well over and above their appropriate capacity. There is no room for further expansion.

By SEN Designation	Placements in Wiltshire Special school Special Schools 2017 (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	49	37	86
Sensory			0	1	1	2	1	3	3	3	6
All	458	82	11	20	31	58	52	111	123	97	220

38. As such there are two points of pressure on demand for special school places. Firstly, the continued growing demand for places related to new housing and the impact of the 2014 Children and Families Act which led to the proposals for a New School. Secondly, the demand for more places by September 2020, the current limited number

of resource bases places and some parental concerns about Enhanced Learning Provision in secondary schools which is increasing short term demand.



39. Each August/September fewer pupils leave than start (see above for demand in younger year groups). This creates a pressing demand for September 2020 to establish additional places as not enough pupils are leaving to create space for new start pupils. It is hoped that the implementation of a SEND and Inclusion Strategy (currently in consultation) will result in the inclusion of more children in mainstream schools, leading to a reduction in demand for additional special school places. It should be noted that housing growth may create an additional pressure.

40. During the period of the consultation, Heads and Governors from the three schools have been meeting with officers to propose future operating models and to discuss how the longer-term plans could meet immediate demand. These were also actively discussed within the pre and statutory consultation phases.

41. The increase in demand above, added to the known demand modelling from housing and EHCP growth and numbers from District Specials Centres⁴ for 2020, would suggest that an additional 20 – 43 places will be needed over the next 3-4 years prior to the new places being ready in 2023. Officers are working with the headteachers to look at a phased primary provision on the Rowdeford site to reduce demand at the other two sites.

Rt Hon Dr Andrew Murrison MP
“As a minimum the decision in principle should be taken now to maintain Larkrise for key stages 1 and 2. That would be a reasonable compromise and an indication that the Council has listened to the community. It would ensure that the Council can make further inroads into reducing expensive and traumatic out of county placements and add future-proofing to the benefit of all involved in the north of the county.”

(Sep) 2019	2020	2021	2022	2023	New build	Refurb
Refurbishment of existing school accommodation (20 places)						20
Enabling core infrastructure						
Enhancement for complex users - Buzzard block (30 places)						30
Primary school block (70 places)					70	
Sixth form block (30 places)					30	
Secondary block (100 places)					100	
Redevelopment of main house & Orchard block (50 places)						50
Final phase new build (100 places - 50 primary & 50 secondary)					100	
					300	100
					Total places	

⁴ Nursery settings for children with high SEND

An indicative plan is outlined below:

<p>September – December 2019</p>	<ul style="list-style-type: none"> • Business as usual for the day to day running of the 3 schools • Work with Heads, Senior Leadership Teams and Governors to consider best ways of collaborating prior to any decision by the Schools Adjudicator, thinking about a Pre-Shadow Governing Body approach to moving such collaboration forward in an equitable manner • Work with architects and estate planners regarding possible master plan for the site and any early works needed to accommodate pupils in 2020. • Parent carers and pupils engaged in thinking about possible transition opportunities that the New School might afford as part of the Annual Review process
<p>January– April 2020</p>	<ul style="list-style-type: none"> • Establishment and operation of Shadow Governing Body • Shadow Governing Body sets out a work plan • Job description created for Executive Head and advert published • Vision statement and admissions policy created by Shadow Governing Body • Transition arrangements further developed • Executive Head for New School appointed • Appoint a main contractor using a “Develop & Construct” approach using the Southern Construction Framework • Work collaboratively with main contractor’s design team using a system of open book pricing to deliver the project from RIBA Stage 1 through to Stage 7
<p>May – September 2020</p>	<ul style="list-style-type: none"> • Develop the staffing model in preparation for New School • Refurbishment of existing school accommodation to provide for additional pupils • Continue to work with main contractor to work up the development • Plans submitted for new build • Integrate the changes to special schools with the wider Inclusion and SEND Strategy
<p>From September 2020</p>	<ul style="list-style-type: none"> • Open New School • Headteacher in post • Governing Body established • Refurbished places available (20 places) Possible start of reception

By September 2021	<ul style="list-style-type: none"> • Refurbishment of existing school accommodation available (30 places) • Potential reception and year 1 on Rowdeford site
By September 2022	<ul style="list-style-type: none"> • Core infrastructure complete • Primary building complete (c70 places) • Decant to new building • Expanded inclusion and outreach work with extensive use of virtual team around the child across all SEND services • Consultation on the number of sites
By September 2023	<ul style="list-style-type: none"> • Secondary build complete (c100 places) • Sixth form build complete (c30 places) • Redevelopment of main house & Orchard block, potentially with a focus on integrated therapy, health and care (c50 places)
By September 2024	<ul style="list-style-type: none"> • Final phase new build (c100 places: 50 primary and 50 secondary)

Overview of the process

September	Representation
November	Cabinet
November	Proposal to Schools Adjudicator
December	Decision (but dependant on Schools Adjudicator)
from January 2020	Shadow Governing Body
April 2020	Interview Executive Head
Sept 2020	Executive Head starts
Sept 2020	Single School Governing Body
By 2021	Single school leadership team
Sept 2023	New building works complete (with potential flexibility around the final phase that can be aligned to future demand).

42. Post 16 education will be provided at the New School to support young people to make a successful transition into adulthood and independent living. Support will be provided at a pace and level which is appropriate to need and aspirations. The focus will be on raising aspirations and supporting pupils to achieve the best possible outcomes in education, employment, independent living and participation by:

- Providing a period of continuity of care, support and guidance within all aspects of independent living
- Assisting and promoting the key aspects and skills required to enable a young person to adapt to change
- Preparing young people for the transition into adulthood
- Supporting further education/employment opportunities
- Promoting positive health, wellbeing and lifestyle choices

Overview and Scrutiny Engagement

43. As part of an on-going engagement with Overview and Scrutiny, the proposal was presented to the Council's Scrutiny group on 30 September 2019. The positive

engagement with the Heads of the three schools and their governing bodies and parent carer representatives was outlined and well received. Planning considerations for the academic years 2020, 2021, 2022 and 2023 were reviewed. There was an appreciation of the complexity of these considerations. Scrutiny asked for further detail regarding the planning for the amalgamated school. They want to ensure that the building works are appropriately managed to align with a phased transition of pupils on to whatever is the final configuration of learning services on the three sites.

Safeguarding Implications

44. The staff at Rowdeford currently teach secondary pupils with predominantly moderate learning difficulties. The proposal will mean primary pupils and secondary pupils with severe learning difficulties will be taught on the site. This will mean existing and new staff will need training to support these learners. Staff with the appropriate experience and expertise will need to be recruited to positions on the Rowdeford site as increased places become available. Post 16 students with severe learning difficulties will also be taught on the site. Staff will need training or to be recruited with the appropriate experience to be able to accommodate these learners.
45. The Rowdeford site is not currently configured for large numbers of non-ambulant pupils. Specific attention will be needed to ensure that the physical environment allows for those with severe learning difficulties.
46. Whilst entrance and egress from the Rowdeford site is currently acceptable, there is a concern that the 50 mile an hour road presents a safeguarding issue when the number of vehicles on to the site significantly increases.
47. The current travel times for some special pupils exceeds guidelines. This is exacerbated by taxis arriving early on the three sites and then waiting, sometimes for considerable periods of time, before students can alight from the vehicle. This is not appropriate as is and there is concern that this would be exacerbated with more taxis coming onto the Rowdeford site. Further work will be required as numbers of pupils on each site are established to ensure safe and appropriate journeys and should be prioritised in the first phase of the work.

Public Health Implications

48. The provision of education, especially in a SEND context, positively contributes to population health and wellbeing. Access to high quality education plays a vital role in providing the foundations needed to ensure that all children have the best start in life, giving them the ability to learn and understand about health and wellbeing and have the opportunity to live healthier lives.
49. By keeping all three sites open there would be minimal changes to travel routes and times for children and young people. Indeed, having additional specialist provision, particularly for children and young people with complex needs in Rowde, would be more convenient for those parent carers in the East of the county and will reduce their travel times.

*St Nicholas staff comment:
"I think the concern is that a lot of money is going to be put into this new site and all the new resources for the new site and that us and Larkrise will kind of just be left to sort of struggle on as we have been"*

50. The main health and care providers in Wiltshire were consulted - Virgin Care (the current provider of community health care in Wiltshire), Oxford Health (the current provider of mental health support for children), Wiltshire Ambulance Trust and Air ambulance, the three main hospitals which support Wiltshire patients (Great Western Hospital in Swindon, Bath Royal United Hospital, and SFT in Salisbury). They were supportive of the enhanced facilities planned for the new development on the Rowdeford site feeling this could increase access to continuing care provision such as Speech and Language Therapy, Physiotherapy, Occupational Therapy, and Paediatricians.

Procurement Implications

51. A feasibility cost appraisal based on the initial design response has been carried out identifying a forecast project cost of up to £33,083 million inclusive of construction costs, fees, equipment and furniture and contingencies.

52. As this proposal is only at the initial stages, this is an outline feasibility. Further work needs to be undertaken on the brief and design when Cabinet has made a final decision. Consequently, this report presents three scenarios. The best-case scenario of c£28m assumes no risks would be encountered. The worst-case scenario of c£39m accommodates significant risks that officers currently feel can be appropriately mitigated for. Hence, the likely cost at this feasibility stage is estimated at c£33m. This figure also allows for a staged build which could potentially enable an earlier start for some pupils e.g. primary or secondary and an early start to internal changes within the existing Rowdeford main building to enable placing of children in 2020 onwards.

53. The route to market for the procurements needed to deliver the outcomes will be agreed through a resourced project plan with the Council's Strategic Procurement Hub and the development of Sourcing Plans for each procurement above the EU supplies and services threshold.

Description	Predicted Cost		
	Best case	Worst case	Anticipated
	£ Million	£ Million	£ Million
Construction Works Costs:			
New build works	20.527	20.527	20.527
Refurbishment of existing school accommodation	2.095	2.095	2.095
External works	1.607	1.607	1.607
Demolitions & asbestos	0.169	0.169	0.169
<i>Construction Works Sub-total</i>	<i>24.398</i>	<i>24.398</i>	<i>24.398</i>
Non-Works:			
Fees and management	3.000	3.000	3.000
Fixtures, Fittings, Equipment (including ICT equipment)	1.250	1.250	1.250
<i>Non-Works sub-total</i>	<i>4.250</i>	<i>4.250</i>	<i>4.250</i>
Risks (contingency pot)	0.000	0.000	0.000

Statutory External Factors	0.000	2.985	2.178
Non-Statutory External Factors	0.000	0.482	0.295
Project Definition	0.000	1.625	0.825
Design & Technology	0.000	1.336	0.848
Contractual	0.000	3.155	2.497
Site Conditions	0.000	0.768	0.387
Financial & Commercial	0.000	0.028	0.028
<i>Contingency sub-total</i>	<i>0.000</i>	<i>10.379</i>	<i>7.057</i>
Risk that could be backed off to contractor	0.000	0.000	-2.512
Total Forecast Project Cost	28.648	39.027	33.194

54. In all three scenarios, the following costs are to be expected:

- The construction works costs are £24.4m
- Fees and management are just under £3m (c10%)
- Fixtures, Fittings and Equipment are just over £1m

55. In light of the pressing demand to potentially introduce 20 additional school places at Rowdeford for September 2020, planning will need to ensure that whatever solution is arrived at, it will not jeopardise the future development of the site.

Equalities Impact of the Proposal

56. At every stage of the process of developing proposals, Equalities Impact Assessments (EIA) have been carried. Appendix 6 has the revised version EIA considering the issues identified through this Cabinet report. The most recent EIA suggests that the amalgamated proposals retains a similar level of impact on equality/diversity issues. The EIA has shaped and informed the proposals and will continue to be a process that will support secure decision making. The consultation has been extensive and inclusive, and every attempt has been made to get the views of interested parties.

57. Cabinet is required to pay due regard to the need to eliminate discrimination, however, it is not always possible to eliminate all negative impacts of a decision on a particular group. This report and the subsequent recommendations seek to decrease or eliminate any disadvantage for any children or family involved. The proposal for a new amalgamated school embracing all three sites, positively seeks to offer greater access and diversity of curriculum and support in a world class learning environment.

58. The wide4r impact assessment looked at the four indices below in relation to protected characteristics as follows:

Sufficiency

59. The proposal affords up to 400 places on the Rowdeford site. If the Inclusion and SEND strategy is successful, then there might not be need for the 400 places at Rowdeford. There are a number of unknowns that need constant review in the coming years to ensure we have the correct configuration of places. Notably, potential housing growth; and the impact of the Inclusion and SEND strategy going forward. The build programme allows for key stages of review.

Quality

60. There is widespread support for the substantial investment by the Local Authority, although some argued that this investment should not be confined to the Rowdeford site. Further work needs to be done to better integrate Health and Care into the Education across the three sites. Staff and stakeholders have a substantial change management journey.

Outcomes

61. The aspiration is for the New School to become outstanding at the earliest opportunity to the benefit of pupils. The outreach model is predicated on all schools and settings looking to the New School for training and development. They will only do so if the services offered are considered outstanding.

Parent online response:

"I think there are many children who, despite being able to access some of the curriculum, will find the environment of a mainstream school, too fast, too bright, too loud and ultimately overwhelming. The focus in many mainstream establishments is out of kilter with the needs of many of these children, who may have physical, emotional, communication, behavioural and sensory needs that need to be met before learning can even start"

Financial Efficacy

62. The initial operational modelling suggests that a three-site solution, that reduces overcrowding, is financially sustainable. In addition, the capital investment is balanced by the reduction, over time, in independent special school placements and reducing spend on transport associated with this.

Environmental and Climate Change Considerations

63. The amalgamation seeks to keep facilities at all three



sites thereby reducing the need to build on greenfield sites and repurposing existing buildings; focusing on sustainability and eco-friendly construction best practice. The feasibility plans for the three-site development is looking at all the plant in the schools to consider if it might be replaced with more energy efficient options and technologies. The project is looking to reduce carbon emissions whilst adding a further 100 places across the three sites.

This represents an overall reduction from current levels of 30% by 2023.

64. The aspiration is to reduce the demand for transport by increasing choice for specialist places. This should reduce the carbon emissions from vehicles used to transport the students. By focusing on outreach work with "bases" and mainstream schools and settings there should be a decrease in demand for specialist places that require transport, with local schools and settings being more inclusive of SEND pupils nearer their own homes.

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

65. There are a number of risks associated with not making a decision:
- Inability to provide sufficiency of SEND places in the north of the county
 - Continued uncertainty for staff, parents and children/young people
 - Continued revenue pressures
 - Children/young people continuing to be educated in buildings not fit for purpose
 - Children/young people continuing to be educated in communities away from Wiltshire

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

Risk short name	Cause	Event	Effect
Business and Financial Risk	The risk that the overall business strategy and plan will be ineffective	The Council won't have enough places for children and young people with SEND	This will mean having to pay significantly in excess of the funding allocated to these pupils for places in the independent special school market
Reputational Damage	The Council does not have support for the proposals from staff, governors and parents	Public demonstrations against the Council proposal	Public loses confidence in the Council
Legal Challenge	Stakeholders believe that there is sufficient evidence to show that the council: - Has not reached a reasonable decision from the information available - Has not used the appropriate information - Has not followed procedure appropriately	Judicial review	Schools Adjudicator has to make the final decision based on all evidence including any potential legal challenge

Risk short name	Mitigating Actions
Business and Financial Risk	Detailed planning with Heads and governors of Larkrise, St Nicholas and Rowdeford to propose additional places for 2020. Request for early works and staffing to make good new spaces in time for new students in September 2020
Reputational Damage	Regular and open discussions with parent carers, staff, students, governors and other stakeholders, to co-produce the proposal for the New School
Legal Challenge	The 1 school 3 site solution has, on the whole, been well received

The full Risk Register is shown in Appendix 7.

66. **Financial Implications** (i) Capital Programme - The estimated and anticipated capital costs (building cost) of £33.194 million are shown in the paragraph [above](#).

67. There will be a further consultation at a suitable point in the build (no later than 12 months before the availability of all the new school places) moving towards 2023 to assess whether:

- The full 100 additional places, as provisionally indicated in the final phase of construction, should all be built at Rowdeford
- The Larkrise and St Nicholas sites should remain open based on continued demand
- There should be consideration of a free school application or additional resource to create a new site or school in Trowbridge and/or Chippenham.

(ii) Dedicated Schools Grant

68. The revenue cost of special schools and out of county placements is met from the high needs block of the dedicated schools grant (DSG).

69. The Quarter 2 budget monitoring report to the Cabinet updated the forecast overspend on the high needs block, a forecast overspend of £5.900m. Both nationally and locally, demand for special school placements has shown considerable growth since the 2014 Children & Families Act was implemented. Currently due to lack of capacity in our six special schools in Wiltshire the needs of some children and young people is being met through the independent sector. Modelling this demand across the medium term, the projection of pupil numbers will result in a greater strain on DSG without mitigating actions.

70. Wiltshire has been provisionally allocated an additional £4.441million for the high needs block for 20/21 financial year. The overspend for 2018/19 was £4.735million and the demand continues to rise so, although most welcome, the additional funding alone will not resolve the pressure.

71. It is important for Members to be aware that the DfE have recently updated their guidance on funding for Special Free Schools. This means that in the short term, by continuing with the maintained school proposal there is possibly a missed opportunity of potential new funding of £6,000 for every new place created⁵. The phasing is estimated at an additional new 20 pupils per annum, with effect from September 2020. However, this could prove to be a one-off gain as the DfE have recently confirmed that they are reviewing their current national funding formula for high needs pupils and at this point the baseline is likely to be reset. The ongoing benefits of operating the new school as a maintained school as stated in the recommendations of the November 2018 and May 2019 Cabinet reports are, on balance, viewed to have a greater benefit.

72. It is anticipated that when the DfE implement 'hardening' of the national funding formula for schools funding that future shortfalls in the high needs block will not be ringfenced but will put pressure on the council's general fund budget. For this reason, it is important not to have further delay to place planning.

⁵ This would need to be clarified with the Schools' adjudicator as the proposals are submitted

73. The creation of an additional 100 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 future overspend.

(iii) General Fund

74. As referred to 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.

*Rt Hon Dr Andrew Murrison
MP*

"I support Wiltshire Council in seeking to improve provision for some of my most vulnerable young constituents, staff and families. That is greatly to its credit."

75. It is clear that the Council needs to act to mitigate the effect of increased SEND 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.

76. 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 £1.597 million. Members need to be aware that this is factored into the current medium-term financial plan at the original estimate of £0.970 million and will need to be increased. This 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.

77. One further implication could be the balances held by the current schools. Where schools close, any surplus balance or deficit balance reverts to the local authority and does not automatically transfer to the new or successor school. If a school has surplus balances immediately prior to the point of closure this reverts to the local authority but may be transferred for the benefit of the new school to assist with pump priming. However, if it is deficit balance exists then the amount must be met by the council from its own resources. At 31 March 2019, all schools were in a surplus position, but all of the schools are forecasting in-year deficits in 2019-20. Transfer to a maintained school does not result in the same implications as both asset or deficit remains with the local authority.

(iv) General

78. The council is in a difficult position. Without a change in the planned operation of the high needs block within DSG and a further increase nationally in high needs funding or promised review of the national formula bringing increased 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.

(v) Mitigation

79. We have outlined that the level and demand on high needs block of the dedicated schools grant funding from the DfE is causing concern both nationally and locally. The Schools Forum and Director of Education & Skills commissioned an external review which has recently concluded, and the full set of findings and recommendations were shared with Schools Forum in October. Actions Plans for short and long-term benefits arising from the report and a new Inclusion and SEND Strategy are both well underway although it is anticipated that the impact of this capital investment, along with many of the other proposed developments, will not have a short-term financial impact.

Legal Implications

80. Under the Education and Inspections Act 2006 (as amended by the Education Act 2011), the opening and closure of maintained schools is governed by The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013.

81. When exercising functions under these regulations regard must be had to guidance published by the Department for Education (DfE), including “Opening and closing maintained schools: Statutory guidance for proposers and decision-makers (November 2018)”, which sets out the statutory 5 step process.

82. Extensive and wide-ranging pre-publication consultation (the first step) having already been carried out, the necessary consent of the Secretary of State to continue the process and publish proposals was granted in June 2019. As a result of Cabinet’s decision on 22 May the further stages required by the guidance were embarked upon. These stages are as follows:

- Publication
 - Publication of a statutory notice and proposal
 - Copies of the notice and proposal must be sent to the Department for Education within one week of publication
- Representation period
 - Any person can send objections or comments to the LA within 4 weeks from the date of publication of the proposal
- Decision
 - The local authority as the proposer must refer the matter to the Schools Adjudicator, the decision-maker for the establishment of a new school, with related proposals needing to be considered together
 - There is no right of appeal against determinations made by the Schools Adjudicator. Decisions of the Schools Adjudicator may only be challenged by way of judicial review in the Courts
 - Copies of the Schools Adjudicator’s decision record must be sent to the Department for Education
- Implementation

- No prescribed timescale. However, the implementation date must be as specified in the published notice, subject to any modifications made by the Schools Adjudicator as decision-maker.

83. Of these four further stages the first two are now completed and the subject matter of this report is the responses and outcome of the representation period consultation.

84. The Cabinet, as the decision maker on behalf of the Council, is now asked to make their final decision on the options presented before they are referred to the School Adjudicator for his/her final decision. In doing so Cabinet must have regard to the above guidance. They will need to be satisfied that the consultation carried out during the representation period was appropriate, fair and open, and that full consideration has been given to all the responses received.

85. A link to the statutory guidance documents is included within the background papers at the end of this report.

Public Sector Equality Duty (PSED)

86. The PSED is a duty requiring public bodies and others carrying out public functions to have due regard to:

- a) the elimination of discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) the advancement of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) the fostering of good relations between persons who share a relevant protected characteristic and persons who do not share it.

87. The protected characteristics are defined at Section 4 of the Act as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

88. Given the subject matter of this report, it is clear that the PSED applies to this decision. In making a decision on the options put forward in this report Cabinet must be aware of the Public Sector Equality Duty (PSED) when undertaking their deliberations. They must have due regard to the need to achieve the above three statutory objectives as set out in s.149(1) of the Equality Act 2010

89. They must exercise the PSED with rigour and with an open mind. The detailed Equality Impact Assessment (EIA) appended to this report will inform their judgement on this requirement.

90. The following other statutory provisions are also relevant:

- Education Act 2002 Section 175
Section 175 of the Education Act 2002 (“s.175”) requires that a local authority in discharging its education functions must do so with a view to safeguarding and promoting the welfare of children and must exercise such functions with a view to this.

- Children and Families Act 2014 Section 27
Section 27 of the Children and Families Act 2014 (“s.27”) a local authority is required to keep under review education provision, training provision and social care provision for children and young people with special educational needs.
- Education Act 2004 Section 11
Section 11 of the Children’s Act 2004 (“s.11”) a local authority is required to ensure that functions and services are discharged having regards to the needs of safeguarding and promote the welfare of children.

Workforce and Governance Implications

91. The three existing schools operate as separate staff bodies with separate governance structures. Amalgamating the three schools into one will lead to one senior leadership team and one governing body. It is custom and practice that in such amalgamations a shadow governing body is created prior to the opening of the new school. This has been discussed as part of the consultation with all attendees. The shadow governing body would be officially set up as soon as the Schools Adjudicator makes his/her decision⁶. This body will operate alongside the three existing governing bodies until the new school is established. In the consultation a suggestion was given that there should be equitable membership from the three current schools alongside the legally required Local Authority representative. This received wide support from consultees.

92. The shadow governing body would then meet as required, shaping the vision for the school, agreeing a new name, setting out initial policies, agreeing a job description and then recruiting an Executive Head. To meet the schedule proposed by Cabinet, this would preferably lead to an Executive Head being in place by September 2020 or January 2021. At this point the shadow governing body would transition, by either agreement or election, into the full governing body for the New School. The appointment of the Executive Head would also lead to a review of the senior leadership team as a whole. For all other staff however, their role and locations would remain as they presently are until reviewed by the senior leadership team in due course. In the consultation it was recognised that there are anxieties for some staff in this process, while others saw it as an opportunity for career development. The Trade Unions have been kept abreast of these possibilities and the Local Authority will continue to engage with them as well as seeking advice from its Legal and Human Resources teams on any employment issues arising.

Options considered and concluding recommendations

93. Options – Following the Guidance from the DfE⁷, at this stage, Wiltshire Cabinet is able to consider three options:

- To reject the proposals put forward in the consultation
- To accept the proposals put forward in the consultation with modifications
- To accept the proposals put forward in the consultation

⁶ Presuming this is the route the Cabinet take.

⁷ ‘Making Significant Changes (Prescribed Alterations) to Maintained Schools’ Guidance November 2018

94. It is recommended that the proposals, which are minor modifications of those put forward in May 2019, should be taken forward as follows. Cabinet:

- a) Approves the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowdeford and Larkrise schools as soon as possible and no later than 1 September 2021
- b) Approves the closure of St Nicholas, Rowdeford and Larkrise school as a related proposal no later than the 31 August 2021
- c) Approves expansion on the existing Rowdeford site to accommodate up to 400 pupils as part of the new special school by September 2023
- d) Recommends that a new capital budget is included in the Capital Programme 20/21 which will be approved by Full council in February 2020 at the revised level of £33.194 million required to deliver this proposal
- e) Approves that the sites of St Nicholas and Larkrise stay in use until the new provision is ready, and it is appropriate to consider children/young people transitioning to the new site at Rowdeford
- f) Authorises the Executive Director of Children's Services, after consultation with the Cabinet member for Children, Education and Skills, the Director of Legal, Electoral and Registration Services and Chief Finance Officer/Section 151 Officer to take all necessary steps to implement Cabinet's decision

95. That this is achieved by:

- a. Approving that the Council would present a proposal to the School's Adjudicator to open a new amalgamed maintained special school
- b. Approving that the New School will have primary, secondary and Post 16 provision on the Rowdeford site (early years not to be included due to sufficiency)
- c. Noting and approving the proposal for a parallel programme of work to create a cross county approach to Post 16 special education and transition to independent living
- d. Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018), to consult on the appropriateness of transferring the provision at St Nicholas and Larkrise to the Rowdeford site no later than 12 months before opening all the new provision. This consultation would be determined by:
 - The demand for places forecasted at the time of the consultation
 - The views of current and future stakeholders and particularly children and young people with SEND and their parent carers
 - The wider development of inclusive education for children and young people with SEND living in Wiltshire and the role of the New School within this system.

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Date of report: 19.11.2019

Appendices

- Appendix 1 Notice and Proposal and Timeline
- Appendix 2 On-line Survey
- Appendix 3a Rowdeford Transcripts
- Appendix 3b Larkrise Transcripts
- Appendix 3c St Nicholas Transcripts
- Appendix 4 Email responses
- Appendix 5 Pupil feedback
- Appendix 6a EIA – Protected characteristics – Age
- Appendix 6b EIA – Protected characteristics - Disability
- Appendix 6c EIA – Protected characteristics – Socioeconomics
- Appendix 7 Risk register

Background Papers

The following documents have been relied on in the preparation of this report:

Cabinet reports of the 22 May 2019 and 27 November 2018

<https://cms.wiltshire.gov.uk/ieListMeetings.aspx?CId=141&Year=0>

Guidance from the DfE regarding changes and closing and opening maintained schools

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>