
Cabinet Member for Education

25 November 2015

Name of Cabinet Member:

Cabinet Member for Education – Councillor D Kershaw

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

None specifically

Title: Consultation on a Proposal to make Prescribed Alterations to Tiverton School

Is this a key decision?

No

Executive Summary:

The City Council is seeking to establish a primary Broad Spectrum Special School as part of its wider Inclusion and Special Education Needs (SEN) Strategy approved in July 2005, by making prescribed alterations to Tiverton School, which currently caters for children aged three to eleven who have severe learning difficulties or profound and multiple learning difficulties. This will compliment two existing broad spectrum special schools – Castlewood and Riverbank. The creation of the school will require a formal statutory proposal to be brought forward by the Council in line with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This includes a requirement to consult with key stakeholders. The report therefore seeks authority to undertake specific consultation to make prescribed alterations to Tiverton School which currently caters for children with severe learning difficulties, to the category of broad spectrum and to co-locate the school with Whitley Abbey Primary School.

Recommendations:

Cabinet Member for Education is recommended to:

1. Approve pre-statutory consultation during the 2016 spring term in relation to proposals to make prescribed alterations to Tiverton School to create a broad-spectrum special school co-located with Whitley Abbey Primary School; and
2. Agree that a report be submitted to Cabinet in February 2016 on the outcome of the consultation.

List of Appendices included:

None

Other useful background papers:

Consultation on Inclusion & Special Educational Needs Strategy: Towards Enhanced Educational Provision Cabinet Report 12th July 2005

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Consultation on a Proposal to make Prescribed Alterations to Tiverton School

1. Context (or background)

- 1.1 The local authority has a statutory duty to provide appropriate education provision for children and young people with Special Educational needs and Disabilities (SEND). The Council aims to deliver support for children and young people with SEND in the maintained sector where possible, and within their community, to enable them to enjoy the same range of experiences and opportunities as children with no additional needs. The Council also has a statutory duty under Section 14 of the 1996 Education Act to provide sufficient school places.
- 1.2 In July 2005, following a report back on the outcomes of the consultation on the Inclusion and SEN Strategy, Cabinet approved the recommendation to identify school sites for the creation of co-located broad-spectrum special schools. To date two such schools have been established – Castlewood Primary and Riverbank Secondary (formerly Alice Stevens). A second primary SEN broad spectrum school is now proposed, co-located with Whitley Abbey Primary School, through the redesignation, change in size and transfer of site of Tiverton School.
- 1.3 Tiverton currently provides 42 places for children aged three to eleven who have severe learning difficulties or profound and multiple learning difficulties and may also have a physical or sensory impairment or an Autistic Spectrum Condition. The vast majority of pupils have a Statement of Special Educational Need or an Education, Health and Care Plan which names Tiverton School. Early Years pupils from September 2015 have a broad spectrum of Special Educational Need in line with Coventry's vision for offering broad spectrum special schools across the city.
- 1.4 The school was opened in 1974 on its current site which is shared with Sherbourne Fields School. Although the building is structurally sound, it is now exhibiting many elements beyond the end of their life expectancy – roofs, windows and heating system. An application for funding of £532k was submitted as part of the Government's Priority Schools Building Programme Phase 2 to address these issues but unfortunately this was not successful.
- 1.5 Any proposed changes to Tiverton School must have regard to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 which sets out the alterations that can be made by local authorities and the statutory processes that must be followed also taking into account the Secretary of States guidance. This will include the publication of a formal statutory notice.
- 1.6 Although there is no longer a requirement for a 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on Local Authorities to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.
- 1.7 Consultation must take place with the governing bodies of the school subject to the proposal, families of pupils, teachers and other staff at the school, any other local authority likely to be affected by the proposal, the governing bodies, teachers and other staff of any other school that may be affected, families of any pupils at any other schools who may be affected by the proposals, trade unions who represent staff, MPs whose constituencies include the schools or whose constituents are likely to be affected by the proposals, Early Years Development Partnership, those who benefit from a contractual arrangement giving them use of the premises and such other persons as appear to be appropriate.

2. Options considered and recommended proposal

2.1 There are two options available:

a) To consult on proposals to make prescribed alterations to Tiverton School to change the type of needs catered for from severe learning difficulties to broad spectrum, to increase the size of the school from 42 to 88 places and to co-locate the school onto the site of the current Whitley Abbey Primary School; OR

b) To continue to provide for pupils aged 3-11 at the existing Tiverton school, which will not support the delivery of the Inclusion and SEN strategy agreed in 2005 and therefore restrict the options available to the Council when placing pupils in provision appropriate for their needs.

2.2 The recommended proposal is therefore to consult on proposals to co-locate a broad spectrum special school on the Whitley Abbey Primary School site, providing places for up to 88 pupils.

2.3 The Whitley Abbey site was until recently shared with Alice Stevens School, which has now been co-located as a secondary broad spectrum school with Ernesford Grange Secondary School. The Alice Stevens buildings are therefore currently unoccupied and would be demolished should this proposal proceed.

3. Results of consultation undertaken

3.1 There have already been informal discussions with both schools on this proposal, and the Governing Bodies and headteachers are in principle supportive.

3.2 To make prescribed alterations there is a requirement to follow a statutory process and to conduct a public consultation where the views of all interested parties can be expressed, and all views will be taken into consideration before moving to the publication of a statutory notice.

4. Timetable for implementing this decision

The proposed timescale is set out in the following table:

Stage	Activity	Approximate Timing
Stage 1	Report to Cabinet Member for Education seeking approval for pre-statutory consultation	25 th November 2015
Stage 2	Pre-statutory consultation	11 January 2016 to 5 th February 2016
Stage 3	Report to Cabinet on outcome of consultation and seeking approval to publish a statutory notice	End February 2016
Stage 4	Publication	March 2016
Stage 5	Representation (formal consultation)	March 2016
Stage 6	Cabinet Advisory Committee for School Organisation Proposals: considers any objections made in response to the Statutory Notice	April 2016
Stage 7	Report to Cabinet on outcome of statutory consultation and determination of statutory notice	9 th April 2016
Stage 8	Implementation	September 2017

5. Comments from Executive Director of Resources

5.1 Financial implications

5.1.1 The costs associated with managing the consultation process will be met from within existing revenue budgets.

5.1.2 In June 2015 IDP Architects were appointed to undertake a feasibility study to establish the deliverability of a co-located broad spectrum school on the existing Whitley Abbey/former Alice Stevens School site. The study concluded that that a project can be delivered and this is now being used as a basis for establishing a firm cost for the scheme.

5.1.3 It is anticipated that the capital cost of the scheme will be met from within the 2016/17 and 2017/18 Capital Programme and a further report to seek approval to the capital cost will be brought to Cabinet once the statutory process has been completed. The cost will include the demolition of the vacant Alice Stevens buildings.

5.2 Legal implications

5.2.1 If following the pre-statutory consultation the Council decides to proceed with the proposal then a statutory notice will need to be published in accordance with section 19(1) of the Education and Inspections Act 2006 to make the necessary prescribed alterations to Tiverton School. The consultation and determination arrangements will meet the requirements of The Education and Inspection Act 2006 and The School Organisation (Prescribed Alterations to maintained Schools) (England) Regulations 2013. Failure to comply with these statutory requirements would leave the Council unable to implement the proposal as required and subject to action by the Department for Education. It should also be noted that the Council has a statutory duty under Section 14 of the 1996 Education Act to provide sufficient school places.

5.2.2 The public sector equality duty under section 149 of the Equalities Act 2010 imposes on decision makers when carrying out any of its functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations across all of the protected characteristics (which as relates to education are disabilities, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). "Due regard" requires more than just an awareness of the equality duty. It requires demonstration of a rigorous analysis by the public authority decision maker. Decision-makers should also make clear how they are satisfied that the SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

New school buildings will make a significant contribution to improving outcomes for children and young people as set out in the Children & Young People's Plan. The proposed co-located broad spectrum school will also contribute towards the delivery of the Council's Inclusion and SEN strategy.

6.2 How is risk being managed?

Monitoring is carried out through a number of different processes. This project will be monitored through a project management team and will be subject to careful scrutiny and regular assessment on progress towards identified milestones. Further monitoring will be carried out through progress reports to the Cabinet Member for Education and Cabinet.

6.3 What is the impact on the organisation?

The co-location of the Tiverton School onto the Whitley Abbey Primary School site will require careful management of admissions and School SEN transport policy to create cohorts for the broad spectrum school. A staff and school leadership change management plan will need to be adopted and implemented prior to the redesignated school opening and taking in its first new pupils. Schools and officers will form part of the partnering teams together with the design teams and contractors to develop the designs and construction of the school to be opened in September 2017.

6.4 Equalities / EIA

Children and young people with SEN often experience greater discrimination and have fewer opportunities than children without such difficulties. The proposals for the broad spectrum school, co-located with a mainstream school, will provide greater equality and better access to resources for these children with a wide range of educational needs. The new school building would be Disability Discrimination Act (DDA) and Special Education Needs and Disability Act 2001 (SENDA) compliant. The proposal aims to ensure that all Coventry children have access to education in accordance with their needs. Any revised accommodation changes and admission arrangements take into account the provisions of the Equality Act 2010 in the context of their possible impact on equal opportunities.

Public authority decision makers are under a duty to have due regard to 1) the need to eliminate discrimination, 2) advance equality of opportunity between people who share a protected characteristic and those who do not 3) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s 149(1) Equality Act 2010). The applicable protected characteristics are disability, gender reassignment; race, religion or belief, sex; sexual orientation, pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision making process with rigour and with an open mind. The duty is to have “due regard”, not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

6.5 Implications for (or impact on) the environment

Coventry's schools currently account for 28% of the City's carbon footprint and this scheme will support the reduction of that level through replacing old school buildings with modern, energy efficient facilities. The Carbon Reduction Commitment (CRC) Energy Efficiency Scheme as amended is a mandatory carbon emissions tax covering non-energy intensive users in both public and private sectors, and is a central part of the UK's strategy to deliver the emission reduction targets set in the Climate Change Act 2008. Emissions from schools (including PFI Schools) are to be included in the total reported carbon emissions for their participating local authority. The new school building would also be designed to mitigate the effects of climate change fluctuations and to help reduce surface water run off as a result of flash or extreme weather events, reducing any negative effects on the local community and environmental infrastructure.

6.6 Implications for partner organisations?

Planning for re-designation to broad spectrum will require close partnership with the PCT, Clinical Commissioning Groups, Coventry and Warwickshire Partnership Trust, Social Care and Private/Voluntary Organisations and will enable multi-agency support and provision for children with SEN to be made.

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