

Cabinet

19 April 2016

**Name of Cabinet Member:**

Cabinet Member for Education – Councillor D Kershaw

**Director Approving Submission of the report:**

Executive Director of Place

**Ward(s) affected:**

The two schools are located in Sherbourne and Cheylesmore Wards.

**Title:**

**Proposal to make Prescribed Alterations to Tiverton School and Whitley Abbey Primary School: Determination of Statutory Notice**

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**Is this a key decision?**

No - Pupils could be admitted from all wards in the city but it is not anticipated that the impact will be significant and it is therefore not deemed to be a key decision

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**Executive Summary:**

Following the report to Cabinet on 9<sup>th</sup> February 2016 on the responses to the pre-statutory consultation to make prescribed alterations to Tiverton School and Whitley Abbey Primary School, a Statutory Notice was published on 22<sup>nd</sup> February 2016 in line with the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Under the proposals Tiverton School, which currently caters for children aged three to eleven who have severe learning difficulties or profound and multiple learning difficulties would become a Broad Spectrum School co-located on the Whitley Abbey Primary School site and catering for up to 88 pupils. Furthermore the age range at Whitley Abbey would be extended from 4-11 to 3-11 years of age to enable a new 26 full time equivalent nursery class to be established. No further representations have been received and therefore Cabinet is now asked to consider the proposal and determine the Statutory Notice.

**Recommendation:**

The Cabinet is asked to determine the Statutory Notice published on 22<sup>nd</sup> February 2016 by approving the following proposals subject to planning consent, taking into account the Department for Education (DfE) decision-makers guidance, as shown in appendix 3 to the report.

**Tiverton School:**

- change designation from a school catering for children with severe learning difficulties, to the category of broad spectrum;
- increase the capacity from 42 to 88 places; and
- co-locate the school with Whitley Abbey Primary School; AND

**Whitley Abbey Primary School**

- extend the age range from 4-11 years to 3-11 years.

**List of Appendices included:**

Appendix 1: Statutory Notice

Appendix 2: Pre-statutory Consultation Responses

Appendix 3: Department for Education Decision Makers Guidance January 2014

Appendix 4: Special Education Needs (SEN) Improvement Test

**Background papers:**

None

**Other useful documents:**

Consultation on Inclusion & Special Educational Needs Strategy: Towards Enhanced Educational Provision - Cabinet Report 12<sup>th</sup> July 2005

Consultation on a Proposal to make Prescribed Alterations to Tiverton School - Cabinet Member for Education Report 25<sup>th</sup> November 2015

Outcome of Consultation on a Proposal to make Prescribed Alterations to Tiverton School and Whitley Abbey Primary School - Cabinet Report 9<sup>th</sup> February 2016

**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

## **Proposal to make Prescribed Alterations to Tiverton School and Whitley Abbey Primary School: Determination of Statutory Notice**

### **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 and Whitley Abbey Primary 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 On 25<sup>th</sup> November 2015 the Cabinet Member for Education therefore approved a report authorising public consultation on proposals to make prescribed alterations to Tiverton School and Whitley Abbey Primary School. The outcome of that consultation was reported to Cabinet on 9 February 2016 who approved the publication of a Statutory Notice on 22<sup>nd</sup> February 2016 and a four week period of formal consultation. The notice is attached at Appendix 1 to this report.

## 2. Options considered and recommended proposal

### 2.1 There are two options available:

a) To approve the proposal published in the statutory notice 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 planned number of places at the school from 42 to 88 places, to co-locate the school onto the site of the current Whitley Abbey Primary School and to extend the age range of Whitley Abbey from 4-11 to 3-11 years. This would enable the establishment of a new 26 full time equivalent (fte) place nursery class which would serve a need for early years places at both schools; OR

b) To not approve the proposal published in the statutory notice and 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 No statutory objections were received to the proposal and the recommended proposal is therefore to approve the proposal to co-locate a broad spectrum special school on the Whitley Abbey Primary School site with planned places for up to 88 pupils and the establishment of a new 26 fte place nursery class at Whitley Abbey Primary School, which would offer places to both mainstream and SEN pupils.

## 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 but acknowledge that staff, governors, parents and residents have raised a number of relevant issues that require further discussion.

3.2 Pre-statutory consultation meetings took place in January 2016 as set out below:

Consultation Meeting	Date
Tiverton	Monday 11 January 2016
Whitley Abbey	Friday 15 January 2015

3.3 Separate meetings were held at both schools for staff, governors and parents. An additional meeting for local residents was also held at Whitley Abbey. The issues raised at the consultation meetings and letters were considered by Cabinet on 9<sup>th</sup> February 2016 (see appendix 2).

3.4 No statutory objections have been received during the formal consultation period and therefore a meeting of the Cabinet Advisory Panel (School Organisation) was not required.

3.5 Officers have however further considered the issues raised in the pre-statutory consultation and provide further observations on these below. A clear majority of consultees were broadly in support of the move towards the provision of broad spectrum special school. A further six written responses were also received which are attached at appendix 2. In summary the main concerns raised during the pre-statutory consultation meetings and written responses together with officers comments are detailed below:

- **Level of integration between the mainstream and broad spectrum schools.** Both schools will work together very closely to ensure that where possible resources can be shared or accessed by pupils across both schools.

- **Potential impact on staffing (particularly non-teaching)**

It is anticipated that all current teaching staff will transfer to the new school. The Council's Security of Employment Agreement, the Teachers Redeployment Scheme and Teachers National Pay and Conditions will be observed.

- **The impact of new shared nursery class provision at the two schools on existing local early years providers**

Currently there are two early years providers in the Whitley area - Whitley Pre-School and Tiny Teddies. Concern has been expressed by Whitley Pre-School with regards to both the demand for additional early years places in the area and the potential impact on their business. Further development work is therefore required in the context of the wider Early Years strategy particularly with regards to the 30 hour free childcare offer as the number of 2 year old funded places within the area is low. This suggests more working families live in the area and therefore there is likely to be more demand in September 2017 for the 30 hour offer.

- **Site specific issues particularly relating to access and traffic congestion.**

This was a major concern for residents in the Whitley area, particularly in view of the recent Jaguar Land Rover announcement that it proposed to expand its research and development facility. Many residents were of the view that it would only exacerbate the significant parking problems that already exist in the area. The planned number of places at the former Alice Stevens Special School was 160; the number of planned places at Tiverton will be 88 i.e. a reduction of 72 places (45% fewer pupils attending at maximum capacity). The footprint of the new building will be smaller than the existing buildings which will be demolished and is likely to be set further back into the site. Furthermore a vacant SSO property also sits adjacent to the school entrance. This will allow for options to be explored to improve the access and parking available within the school site. The new school will require planning consent to be obtained. There will therefore be a pre-planning consultation process undertaken which will involve local residents and other key stakeholders. The two schools will also work collaboratively to minimise traffic issues, for example to stagger school opening and closing times.

- **Governance, admission and home to school transport arrangements.**

The two school will remain separate legal entities each retaining their own individual governing body.

Admissions to special schools are dealt with in accordance with the "Special educational needs and disability code of practice: 0-25 years" 2014. Most pupils admitted to Tiverton School have a statement of Special Educational Need, which names Tiverton in part 4 of the statement- this is the case for pupils whose statutory assessment was undertaken before September 2014. Pupils for whom a statutory assessment is undertaken after September 2014 may have an Education, Health and Care plan which names Tiverton School. Before naming Tiverton in a Statement of SEN/ Education, Health and Care Plan the Local Authority consults with the school. The Local Authority uses a catchment area system and allocates places at the catchment area school if there are places available. If a parent requests a school which is not their catchment area school then the Local Authority may allocate a place if there is one available, but in those circumstances will not provide home to school transport.

The Local Authority has a duty to provide free home to school transport for pupils of statutory school age (Section 509) of the Education Act 1996, if the distance from the pupil's home address to the nearest school with available places meets the distance criteria defined in (Section 444) of the Education Act 1996. For a child with special educational needs however, walking may not be an option, and the nearest suitable school may well be different than for other pupils. Entitlement to transport for children

is based on an assessment of individual need. If it is decided that the child's special needs do not require special transport arrangements then the statutory home to school distance policy will apply. The LA has a discretionary medical transport policy for pupils of statutory school age (5 - 16 years). Further details are available from the School Educational Needs Management Service. Transport arrangements will be regularly kept under review. The annual review required for those children with a statement of special educational needs provides a formal opportunity to review any transport arrangements

#### 4. Timetable for implementing this decision

The proposed timescale is set out in the following table:

<b>Activity</b>	<b>Approximate Timing</b>
Report to Cabinet on outcome of consultation and seeking approval to publish a statutory notice	9 February 2016
Publication	22 February 2016
Representation (formal consultation 4 weeks)	18 March 2016
Report to Cabinet on outcome of statutory consultation and determination of statutory notice	19 April 2016
Implementation	September 2017

#### 5. Comments from Executive Director of Resources

##### 5.1 Financial implications

5.1.1 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.

5.1.2 The capital cost of the scheme is estimated at £10.49 million and will be met from within the 2016/17 and 2017/18 Capital Programme. A further report to seek approval to the capital cost will be brought to Cabinet once the statutory and design development has been completed. The cost will include the demolition of the vacant Alice Stevens buildings.

##### 5.2 Legal implications

5.2.1 The consultation and determination arrangements 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 Decision makers must have regard to the Department for Education '*Guidance for Decision Makers January 2014*' when making a decision (refer to Appendix 3). Decisions that the Cabinet may make are:

- Reject the proposals
- Approve the proposals
- Approve the proposals with a modification
- Approve the proposal subject to them meeting a specific condition

The decision maker should consider the views of those affected by a proposal or who have an interest in it. Reasons must be given for the decision.

- 5.2.3 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. The Test is attached at Appendix 4 of this report.

## **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 (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.



**Report author(s):****Name and job title:**

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Place

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Enquiries should be directed to the above person.

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Jeanette Essex	Head of Student Services	People	22/03/16	05/04/16
Nigel Clews	Assistant Director Property Asset Management	Place	22/03/16	29/03/16
Helen Williamson	Lead Accountant Capital and Grants Team	Resources	22/03/16	29/03/16
Myran Larkin	Senior Human Resources Adviser	Resources	22/03/16	22/03/16
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<b>Names of approvers for submission: (officers and Members)</b>				
Phil Helm	Finance Manager	Resources	22/03/16	05/04/16
Elaine Atkins	Solicitor, People Team, Legal Services	Resources	22/03/16	29/03/16
Kirston Nelson	Director of Education, Adult Education and Libraries	People	22/03/16	05/04/16
Martin Yardley	Executive Director	Place	22/03/16	29/03/16
Councillor D Kershaw	Cabinet Member for Education	-	22/03/16	30/03/16

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### Prescribed Alterations to Tiverton Primary School and Whitley Abbey Primary School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 and Regulation 6 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Coventry City Council intends to make prescribed alterations to Tiverton Primary School, and Whitley Abbey Primary School, from 01 September 2017.

It is proposed that:

**Tiverton Primary School**, a community special school, Rowington Close, off Kingsbury Road, Coventry CV6 1PS, a school for pupils aged 3-11 years with severe learning difficulties should be subject to the following changes:

- It should be moved from Rowington Close, off Kingsbury Road, Coventry CV6 1PS to Ashington Grove, Coventry, CV3 4DE.
- It should change its designation from a Community Special School (severe learning difficulties) to a Community Special School (Broad Spectrum). It is intended that the School will make provision for the following types of special educational needs: Moderate Learning Difficulty, Severe Learning Difficulty and Profound and Multiple Learning Difficulty.
- It should increase its capacity from 42 places to 88 places. In January 2016 there were 42 pupils at the School.

**Whitley Abbey Primary School**, a community school for pupils aged 4-11 years, located at Ashington Grove, Coventry, CV3 4DE, should be subject to the following change:

- Alter the lower age limit from 4 years of age to 3 years of age.

The two schools' alterations are not linked and can stand alone.

This Notice is an extract from the complete proposals. Copies of the complete proposals can be obtained from: Mr Ashley Simpson, Place Directorate, Room 130, Civic Centre 1, Coventry City Council, Earl Street, Coventry, CV1 5RS

Within four weeks from the date of publication of this proposal, that is, by 18<sup>th</sup> March 2016, any person may object to or make comments on the proposals by sending them to: Mr Ashley Simpson, Room 130, Civic Centre 1, Coventry City Council, Coventry CV1 5RS.

Signed: Christopher T. West

Publication Date: 22<sup>nd</sup> February 2016

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### Explanatory Notes

The pupils attending Tiverton Primary School at the time of these prescribed alterations will continue to be accommodated at Tiverton Primary School.

The transport needs of the pupils will be determined in accordance with the Council's transport policy.

### Written responses to the Pre-Statutory Consultation

#### 1) Whitley Abbey Pre-school

Dear Judith,

Staff from Whitley Pre-school attending the meeting regarding the amalgamation of Whitley abbey Primary School with Tiverton Primary on Friday 15th of January.

It was clear in the meeting that there was a major problem with the road and many residents have expressed their concerns.

There was reference to their being no formal early years education in the area which was extremely offensive as the pre-school has been their for 13 years and a previous 30 years before, during a Chat with the head teacher Miss Mikala Eden, she also stated that the nursery would only have places made 8 places for children with SEND and the other 52 would be children with no send, as a member of the meeting said, that looked like a school was using this of a way to build a non needed nursery and parading it as joint venture for Children with Special needs.

I have spoken with the head of tiny teddies and we both agree that we have the necessary early years child care within the small area of Whitley. It will probably wipe out both business, I can not speak for Tiny Teddies but I have 6 staff , who between us have 20 children we work to provide for them, we have close relationship with the school, having visits and being part of a CAF team.

If we close then the Community Church in the centre of Whitley will loose a valuable source of income, effecting the whole of the whitely area. Not to mention the jobs and security of all the staff concerned, My own child is disabled and I work around her needs , I have great respect for the schools and teachers that work with children with greater needs, but let the nursery be what is needed , a nursery for children with special needs, This will have a major impact on a lot of lives.

Kind Regards

The Staff of Whitley Pre-school

#### 2) Head Teacher of Sherbourne Fields School response

Further to School Business Manager's email to you last year regarding the future plans for Tiverton Primary School, I am writing to officially register my interest in taking over the Tiverton site as soon as it becomes available. Following the recent notice displayed by Tiverton (on behalf of the LA) informing parents/visitors notice of the schools intention to relocate to what was previously the Alice Stevens site I believe this to be at the end of July 2017.

With the full support of Kirsten Nelson and Jeannette Essex, Sherbourne Fields has applied to become a Teaching School. We expect to find out within the next 8 weeks whether or not our application has been successful. With this in mind we would like to take over the site - which as you know is a shared site with Sherbourne Fields, in order to utilise the building to provide SEN training for both special and mainstream schools across Coventry and Warwickshire.

Sherbourne Fields as it stands today does not have the capacity to accommodate large groups for training or seminars. Previously we have had to re-locate our 6th Form students to another part of the school in order to set up the 6th Form Centre as a training facility. I am certain that we would be able to utilise and manage the site with our current resources and through possible funding streams such as trusts and foundations, charitable donations and grants.

There is a definite need for specialist SEN training to be available to employees in mainstream schools across Coventry and Warwickshire – now more than ever given the ever increasing number of students with special needs now placed in a mainstream setting. With this in mind I feel the Tiverton site would provide a practical solution for our future training plans.

I hope you will seriously consider this request and if you require any further clarification on the matter then please contact me.

Yours sincerely

Shivaun Duffy Moriarty

Headteacher

### 3) Governor Response to the Consultation on the rebuilding of Tiverton School

The proposal to rebuild Tiverton School has been in the “pipeline” for ten years. Historically there has been some reluctance to spend what would amount to large amounts of money on a “redundant” building.

- according to a recent survey the building is structurally sound, there are many issues with the condition of the building. The survey highlighted problem areas to be roof, windows, doors, electrical wiring, out dated water systems, inappropriate toilet arrangements.
- narrow corridors making it difficult for children and adults to move around.
- there are no “spare spaces” to install a wet room/ changing facilities.
- Governors are reluctant to authorise expenditure on major remedial work to patch up the existing building and frankly both the children and staff deserve better than the “shabby conditions” they are currently experiencing.
- the proposals for the new school will enable the children of Tiverton School to have a twenty first century education in purpose built accommodation.
- This will provide opportunities to improve the specific learning environment for children on the autism spectrum.
- It could also extend the multi sensory educational opportunities offered to children through light rooms and soft play. Rebound Therapy and Hydrotherapy, that are currently provided by taking children to other schools resulting in lost time and extra journeys, could be made available within the new school building..
- the move will be an opportunity to upgrade IT systems to the latest specifications to support children’s learning.
- incorporating integral hoists around the building will make the task of moving children from wheelchairs / walkers easier for staff and help to improve the individual’s dignity.
- planned withdrawal spaces will support pupil’s with complex and special needs – the current building has few opportunities to address this.

Governors have attended many meetings over the last few years regarding the move toward introducing Broad Spectrum Education across Coventry.

- we have undertaken visits to other schools within the local area and in neighbouring authorities to see alternative practices for ourselves.
- we have liaised closely with staff at Tiverton to see how the changes would impact on their working practices and the implications for future planning of educational opportunities. This has enabled us to listen to misgivings as well as the positive implications associated with changes in working environments.
- we have met with governors at Whitley Primary to discuss how we would see the shared location developing to the benefit of both schools
- These opportunities have informed our ideas on how we would like to see the new school evolve. Over the years we have listened to various proposals to co locate our school but these have faltered.
- An important aspect for governors and staff in choosing a new site has always been access to outdoor education for the children. Our present location within Coundon Wedge has lent itself to an outdoor curriculum and we, as governors, were anxious that this aspect of the children’s education was maintained.
- In the Whitley site we see the opportunities to have a purpose built school in a wonderful, well established natural setting.
- The existing Forest School designation on part of the site would enhance environmental learning for both ourselves and Whitley Primary School.
- Whilst broadly welcoming the proposed new built school we realise that there are some drawbacks to the proposal on behalf of the residents. Traffic management is a major factor for them together with off- site parking.
- Adequate parking that allowed for visiting specialist staff was an issue highlighted to Ashley in both schools consultations.
- Transport issues were raised by parents – although existing children would be guaranteed places their journey times may increase significantly.
- There is also the potential for minibuses to have difficulty due to local traffic conditions. Access for mini buses was a possible issue.

- Dropping off points within the school site to minimise disruption to nearby residents.

Tiverton's governors would like some clarification on the proposed building of the shared nursery especially the budgetary implications of this facility. Who would be responsible for the maintenance and up keep? Previously we were led to believe that this was a separately funded facility but the latest meeting seemed to imply that an already tight budget would need to stretch to accommodate this project.

On behalf of the governors at Tiverton School we hope that this proposal comes to a successful conclusion. This is an opportunity to give some of the city's most disadvantaged children a purpose built new school to enhance their educational opportunities while allowing the development independence and life skills.

As governors we would hope that, with ongoing goodwill from all parties, that the future school would take forward all the good educational practice and caring ethos that are evident in the current Tiverton School.

#### 4) Staff response to the consultation on changes to Tiverton School

The staff group at Tiverton would like to make the following points for consideration as part of the pre-consultation process for changes to Tiverton School:

- We believe that the children at Tiverton School deserve a building which is fit for purpose and will afford them excellent opportunities for learning and wellbeing in a special designed, state of the art school. The current building does not afford some of the opportunities we would wish for our pupils because of its age, poor state of repair and limited size or scope for improvement.
- We would welcome the opportunity to work in partnership with the Whitley Abbey Primary School community to provide the very best opportunities for all stakeholders within both schools on the Whitley campus. Our early meetings with Whitley Abbey Primary School have been very positive and there is a feeling of not simply being collocated but opportunities for collaboration and genuine partnership.
- We believe there are enormous benefits for both sets of pupils to be a part of an inclusive environment where the individual needs of each child are paramount. There is potential for two-way visits for pupils to the partner school as appropriate to need.
- The staff of Tiverton School have already started to formulate a vision for a new school, which would be crucial to share with a design team to inform the design and build of the school. We would welcome the opportunity of working with Whitley Abbey School and its community to formulate a shared vision for the campus.
- Our current mission statement is "Passionate about celebrating learning, enjoyment and achievement for all", this epitomises our ethos and informs all that we do. We believe that a new school building, co-located in the right location and with the right partner school will enable us to deliver even greater outcomes for the pupils and families we serve.
- The potential availability of a wider range of opportunities on the proposed site would greatly enhance the experiences for all- including a hydrotherapy pool, good outdoor spaces for learning, designated rooms for some subjects and some multi-purpose rooms. There would also be opportunity for rooms that are appropriate for rebound therapy (using a trampoline- we cannot currently do this in school as the rooms are not sufficiently high) and the integrated use of state of the art technology embedded within the school. This would also include the opportunity for shared spaces with a partner mainstream school.
- We would welcome a school environment with sufficient storage so that areas are uncluttered and children can safely be maximally independent. This will also facilitate our total communication approaches within the learning environment which is crucial to the population of our school.
- Specifically designed spaces for the holistic needs of children to be met by a multidisciplinary team eg physio, nursing, speech and language therapy, occupational therapy etc would be hugely beneficial to pupils and staff.

- It would be beneficial to have meeting rooms so that families can be welcomed into school for events, meetings and training in rooms which are pleasant and allow for confidential discussion.
- In the event that the school building proceeds, we would wish to ensure that there is sufficient time between the school being ready to facilitate a comprehensive induction and transition process for pupils, some of whom will require extensive preparation and pre-visits before undergoing such a major move of location.
- We acknowledge also the following areas of concern:
  - Some families have chosen a local school so that they can transport their children to and from school themselves. The proposed site is on the opposite side of the city.
  - We are aware that many parents are concerned about transport to and from school for their children. Those whose children are currently transported to and from school would wish to be reassured that this will continue in a relocated school site.
  - Some parents have expressed a desire to know what would be the expected secondary school for their children to transfer to from a new school site.
  - Many staff currently live and work in close proximity out of choice. There could be an implication for some staff having to travel to the other side of the city and also the possibility of losing some highly skilled staff who would not transfer to a relocated site.

Tiverton School Staff  
January 2016

#### 5) Response from Whitley Abbey Head Teacher

Dear Kirsten Nelson,

I have been asked to write to you on behalf of Mr and Mrs Sherriff who lease a house on the Whitley Abbey Primary School/Alice Stevens School site. Mr Sherriff is the Site Services Officer for Whitley Academy next door. This has been a longstanding agreement. Mr Sherriff oversees the site, as a good neighbour, at weekends because of his proximity to it.

Mr and Mrs Sherriff would like to know how the plans for the redevelopment of the Alice Stevens School site would affect them and what may happen to their home and the vacant SSO house on the site. They are concerned how the plans may affect their family. They would also like to be informed about any future works or demolition works to the Alice Stevens school site and the likely impact on their daily lives, given they are residents.

**Headteacher**

**Whitley Abbey Primary School**

#### 6) Response from Whitley Abbey Head Teacher

Dear Kirsten Nelson,

I am writing on behalf of the staff and governing body of Whitley Abbey Primary School. We would like to express that we are fully supportive of the proposal to relocate Tiverton School on the old Alice Stevens School site and are looking forward to collaborating with the Tiverton team to provide the very best education and care for children on this unique site. We view this as an exciting opportunity to build mutually rewarding partnerships on a primary campus at the heart of the local community.

We wholeheartedly welcome the prospect of having a shared purpose-built, high quality nursery on the site as we believe this will benefit the local community, raise aspirations and achieve better outcomes for all the children.

We are resolved to work with Coventry City Council and the Tiverton team to find the best possible solution to the traffic and parking issues raised in the pre-consultation meetings so that we are able to provide a safe, accessible, child-friendly campus that is considerate to our neighbours and benefits our local community.

**Headteacher**

**Whitley Abbey Primary School**



# **School Organisation**

## **Maintained Schools**

### **Annex B: Guidance for Decision-makers**

**January 2014**

# Summary

## Key points

1. This Annex is for local authorities, the Schools Adjudicator and governing bodies in their roles as decision-makers. It is relevant to the 2013 School Organisation Regulations<sup>1</sup>. Decisions on proposals published before 28 January 2014 must be made with regard to the previous Decision-makers Guidance.
2. The table in Annex A.5 sets out the decision-maker for each type of school organisation proposal. The department does not prescribe the exact process by which a decision-maker carries out their decision-making function; however, decision-makers must have regard<sup>2</sup> to this guidance when making a decision.
3. The decision-maker should consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).

## Related proposals

4. Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal. Where proposals are 'related', the decisions should be compatible.
5. Where a proposal is 'related' to another proposal to be decided by the Secretary of State (e.g. for the establishment of a new academy) the decision-maker should defer taking a decision until the Secretary of State has taken a decision on the proposal, or where appropriate, grant a conditional approval for the proposal.

## Conditional approval

6. Decision-makers may give conditional approval for a proposal subject to certain prescribed events. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.
7. The proposer should inform the decision-maker (and the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) in the case of school closures) when a condition is modified or met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

## Publishing decisions

8. All determinations (rejected and approved – with or without modifications) must give reasons for such a decision being made. Within one week of making a determination the decision-maker must arrange (via the proposer as necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the bodies below to be notified of the decision and reasons<sup>4</sup>:
  - the LA (where the Schools Adjudicator or governing body is the decision-maker);
  - the governing body/proposers (as appropriate);
  - the trustees of the school (if any);
  - the local Church of England diocese;
  - the local Roman Catholic diocese;
  - the parents of every registered pupil at the school – where the school is a special school;
  - any other body that they think is appropriate; and



- the Secretary of State via [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) (in school opening and closure cases only).

## **Factors to consider**

9. Paragraphs 10 to 78 of this annex set out some the factors that decision-makers should consider when deciding a proposal. Paragraphs 10 to 29 are relevant to all types of proposals. Paragraphs 30 to 78 are more relevant to certain types of proposals (as specified). These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

## **Factors relevant to all types of proposals**

### **Consideration of consultation and representation period**

10. The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.

### **Education standards and diversity of provision**

11. Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

12. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

### **Demand**

13. In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

14. The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

15. Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

### **School size**

16. Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

## **Proposed admission arrangements (including post-16 provision)**

17. In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

18. Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admission authority should be given the opportunity to revise them.

## **National Curriculum**

19. All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

## **Equal opportunity issues**

20. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations.

21. The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

## **Community cohesion**

22. Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

## **Travel and accessibility**

23. Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

24. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

25. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

## **Capital**

26. The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

27. Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

## **School premises and playing fields**

28. Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

29. Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## **Factors relevant to certain types of proposals:**

### **Expansion**

30. When deciding on a proposal for an expansion on an additional site (a 'satellite school'), decision-makers will need to consider whether the new provision is genuinely a change to an existing school or is in effect a new school (which would trigger the academy presumption in circumstances where there is a need for a new school in the area<sup>6</sup>). Decisions will need to be taken on a case-by-case basis, but decision-makers will need to consider the following non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and to ensure that it will serve the same community as the existing site:

#### The reasons for the expansion

- What is the rationale for this approach and this particular site?

#### Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

#### Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?

#### Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

## **Expansion of existing grammar schools**

31. Legislation prohibits the establishment of new grammar schools<sup>7</sup>. Expansion of any existing grammar school onto a satellite site can only happen if it is a genuine continuance of the same school. Decision-makers must consider the factors listed in paragraph 30 on 'expansions' when deciding if an expansion is a legitimate enlargement of an existing school.

## **Changes to boarding provision**

32. In making a decision on a proposal to close a school that has boarding provision, or to remove boarding provision from a school that is not closing, the decision-maker should consider whether there is a state maintained boarding school within reasonable distance from the school. The decision-maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## **Addition of post-16 provision**

33. In assessing a proposal to add post-16 provision, decision-makers should look for evidence that the proposal will improve, extend the range, and increase participation in high quality educational or training opportunities for post-16 pupils within the LA or local area.

34. The decision-maker should also look for evidence on how new places will fit within the 16-19 organisation in an area and that schools have collaborated with other local providers in drawing up a proposal.

35. The decision-maker may turn down a proposal to add post-16 provision if there is compelling and objective evidence that the expansion would undermine the viability, given the lagged funding arrangements, of an existing high quality post-16 provider.

36. Decision-makers should consider the viability of a proposal bearing in mind the formulaic approach to funding; that the school will have to bear any potential diseconomies of scale; and the impact of future demographic trends.

37. A proposal should take account of the timeline for agreeing 16-19 funding which will be available in the most recent guidance on the department's website. Decision-makers should note that post-16 funding runs on an August – July academic year cycle.

## **Changes of category to voluntary-aided**

38. For a proposal to change the category of a school to voluntary-aided, the decision-maker must be satisfied that the governing body and/or the Foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

## **Changes to special educational need provision – the SEN improvement test**

39. In planning and commissioning SEN provision or considering a proposal for change, LAs should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. This is favourable to establishing broad categories of provision according to special educational need or disability. Decision-makers should ensure that proposals:

- take account of parental preferences for particular styles of provision or education settings;
- take account of any relevant local offer for children and young people with SEN and disabilities and the views expressed on it;
- offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;
- support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- ensure appropriate provision for 14-19 year-olds; and
- ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs must be amended and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved. Pupils should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need.

40. When considering any reorganisation of provision that the LA considers to be reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children. Decision-makers should make clear how they are satisfied that this SEN improvement test has been met, including how they have taken account of parental or independent representations which question the proposer's assessment.

**Application of the SEN Improvement Test to the Proposed Co-location of Tiverton with Whitley Abbey Primary School as a Broad Spectrum SEN School.**

**1 Background**

- 1.1 In the Department for Education (DfE) document "Planning and Developing Special Educational Provision: A Guide for Local Authorities and Other Proposers" (2007) the Government set out guidance for Local Authorities and Other Proposers on planning and developing special educational provision. This guidance requires that when proposals are developed for reorganising or altering SEN provision Local Authorities (LA's) and/or other proposers will need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs across the authority. The SEN Improvement Test sets out a number of factors that LAs and other decision makers should consider when determining statutory proposals to reorganise SEN provision.
- 1.2 This appendix applies the SEN Improvement Test to Coventry LA's proposal that Tiverton changes designation from a Community Special School (Moderate Learning Difficulties) to a Community Special School (Broad Spectrum) from September 2017 onwards. It is intended that the School will make provision for the following types of special educational needs: Moderate Learning Difficulty, Severe Learning Difficulty and Profound and Multiple Learning Difficulty. The pupils may also have Physical Difficulties.
- 1.3 Local authorities are required to ensure equity across their special educational provision
- 1.4 "Within the context of any review or reorganisation of SEN provision LAs should be endeavouring to ensure equity and fairness across the authority. LAs and other decision makers need to appreciate that making changes to historic patterns of provision can be difficult to achieve as they may lead to a perceived reduction in the range of type of provision in one school or locality whilst ideally contributing to a greater and more appropriate range of provision across the authority or region. It should also be recognised that maintaining unnecessary provision may lead to unreasonable public expenditure which does not represent value for money. Reorganisation can, of course, release funding which can be used to invest in more effective provision." (Planning and Developing Special Educational Provision: A Guide for Local Authorities and Other Proposers, DfE, 2012)

**2 Key Factors**

As required through the SEN Improvement Test, details set out below show how the "Key Factors" have been taken into account in this proposal:

- 2.1 **Key factor 1: Take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, within a learning environment where children can be healthy and stay safe;**

Improving access to education and educational achievement of SEN and disabled pupils is essential to the Government's policy of ensuring equality of opportunity and full participation in society and the economy. The statutory framework for inclusion states that where parents want a mainstream education for their children then "everything possible should be done to provide it".

The LA's Accessibility Strategy was approved by the Cabinet Member (Children, Learning and Young People) on 20<sup>th</sup> January 2010. The Strategy clearly sets out that the LA will ensure that new school buildings take account of inclusion and disability issues as part of Coventry's Strategy for Inclusion and Special Educational Needs. The new build Broad Spectrum School will be designed with reference to the current model brief for inclusive schools and DfE guidance. The school will comply with current Building Regulations, will be fully accessible and provide specific facilities such as disabled toilets, hygiene suites, soundfields, sensory room and hydrotherapy pool. Specialist furniture and equipment will be provided as appropriate. The current Tiverton building is inappropriate for the delivery of inclusive education, given that the building is now exhibiting many elements beyond the end of its 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.

The curriculum covers not only teaching and learning but the wider curriculum of the school such as participation in after school clubs, leisure, sporting and cultural activities or school visits.

The new school will increase the accessibility to the curriculum to disabled children by:

- Provision of appropriate furniture, equipment, ICT hardware and software;
- Provision of dedicated specialist subject teaching accommodation;
- Working collaboratively with Whitley Abbey Primary School to extend access to other curriculum opportunities. The aim will be to share some facilities to the benefit of pupils in both schools.

The school are currently working to develop a community use programme which reflects the accommodation that will be available in the new school. The design and layout of the new school will potentially allow wider use for non-sporting activities. The new Broad Spectrum Special School also has accommodation that could potentially be used by the local community.

**2.2 Key Factor 2: • provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;**

Implementation of the new broad spectrum school's formula will support improved access to specialist staff as it is based on an improved staffing model.

The new funding formula for special schools delivers an appropriate level of funding to allow outreach and training functions to be developed and maintained. The funding provides an outreach service (1 teacher and 1 teaching assistant) to be provided from each of the broad spectrum schools and Woodfield School, to improve links with mainstream schools and support pupils with SEN who are educated within these schools.

**2.3 Key factor 3: support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;**

The new SEN Broad Spectrum School will be built as part of the City Council's Capital Programme. The new school will significantly improve access, given that Tiverton is currently located in a building with poor access, restrictive circulation areas and poor quality teaching and communal areas. The new school will be a single storey building

but with access to upper floors within Whitley Abbey should this be appropriate for individual pupils. Accommodation in the new school will be of a significantly higher quality and will include a warm water hydrotherapy pool which is not currently provided.

#### 2.4 **Key factor 4: Improved supply of suitable places**

The new funding formula was developed to ensure that the LA had an appropriate level of special school places funded at a level appropriate to cater for the needs of the pupil population

Through its Strategy for Inclusion and SEN (2005), Coventry LA has developed a continuum of provision within the city for children with a wide range of SEND.

The proposal will add 46 planned places at Tiverton and it should be noted that there will be no current Tiverton pupils who will be required to transfer to other schools. From September 2017, new pupils will be admitted to the school based on the Council's formal admissions policy.

The provision of a Primary Broad Spectrum Special School will better support the transfer of pupils to the LAs secondary Broad Spectrum Special School (Riverbank).

### 3 **Additional requirements**

Additional requirements placed on the LA or Other Proposer are listed below

#### 3.1 **Additional requirement (i):** Opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible

Following Cabinet Member approval on 25<sup>th</sup> November 2015 a public consultation on the proposal to change the designation of Tiverton took place.

This included meetings with:

- Parents and carers
- Pupils
- Teaching and support staff
- Governors
- Heads and governors from other special schools.

There has been an on-going dialogue between the City Council, Tiverton School and Whitley Abbey Primary School. All parties are fully supportive of the proposed co-location. The Governing Bodies of both schools are broadly supportive of the proposed co-location but there are a number of issues which require further progression in relation to staffing, admissions and school transport.

The notes from the consultation meetings were considered by Cabinet on 9<sup>th</sup> February 2016, who determined that a statutory notice be published. No statutory objections have been received. The responses to the pre-statutory consultation are contained in Appendix 3 of this report.

In summary there was broad support for the proposed co-location of Tiverton with Whitley Abbey Primary School as a Broad Spectrum School.

#### 3.2 **Additional requirement (ii):** Arrangements for alternative provision.

It is anticipated that all current pupils will transfer across to the new school and therefore alternative provision will not be required.



- 3.3 **Additional requirement (iii):** The transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children.

Home to school travel assistance will continue to be provided to pupils attending Tiverton and other special schools in the city in line with the LA's transport policy. The LA will ensure that further travel training is provided so that pupils who currently travel independently to the existing Tiverton site are supported in terms of the journey to the new site.

- 3.4 **Additional requirement (iv):** How the proposals will be funded and the planned staffing arrangements that will be put in place.

The capital costs of the scheme will be funded from the City Council's 2016/17 and 2017/18 Capital Programme.

If the proposal to change the designation of Tiverton Special School from a school catering mainly for children with 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) is approved by Cabinet, the LA will work collaboratively with the school's governing body to establish and implement a change management programme. This will facilitate the transfer of existing staff and pupils to the new school. It is anticipated that all current Teaching staff will transfer to the new school. The Council's Security of Employment Agreement, the Teachers Redeployment Scheme and Teachers National Pay and Conditions will be observed.