

SURREY COUNTY COUNCIL**CABINET MEMBER FOR SCHOOLS, SKILLS AND
EDUCATIONAL ACHIEVEMENT****DATE: 28 JULY 2015****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: DETERMINATION OF THE PROPOSAL TO CHANGE THE AGE
RANGE OF THE WILLOWS SHORT STAY SCHOOL IN
GUILDFORD****SUMMARY OF ISSUE:**

Surrey County Council (SCC) has consulted on a proposal to change the age range of The Willows so that only primary pupils are accommodated at the provision from 1 January 2016.

The consultation period was from 6 May 2015 to 20 May 2015 and there was a public meeting held at the school on 13 May 2015. Statutory Notices were issued on 15 June 2015 and were displayed at the school and published in the local newspaper stating the intention to change the age range at the school.

The Cabinet Member is asked to review the proposal and comments received during the consultation and statutory notice periods.

RECOMMENDATIONS:

It is recommended that the Statutory Notice stating the Local Authority's intention to change the age range of the school is determined, such that the school will be for primary aged pupils only from 1 January 2016.

REASON FOR RECOMMENDATIONS:

The change of age range means that the statutory provision for primary aged pupils continues but the non-statutory provision for secondary pupils will close. This will make significant annual savings to the High Needs Block funding that can be used towards statutory provision.

DETAILS:**Business Case**

1. The Willows is a Short Stay School located in Guildford for pupils aged 5 -16. The primary and secondary schools operate in separate accommodation on the same site. The Willows was rated as Good by Ofsted in June 2015.
2. The school is funded for 11 full time primary aged places for pupils who live in the South West area of Surrey and have been excluded or are at risk of being excluded from their mainstream school. This primary aged provision is required to ensure that the Local Authority can meet the statutory duties to

make alternative provision for these pupils. The current physical space is not sufficient to accommodate these pupils appropriately.

3. In addition to the primary places at the school there are 18 full time funded secondary places for girls only from across the county. These places are for female pupils from across all Surrey quadrants and pupils remain on roll at the mainstream school, with dual registration at The Willows, during the time they are there. The Willows works in partnership with the mainstream schools and pupils access an individualised alternative learning programme. During the school year 2014/15 the numbers recorded on the census of pupils dual registered at The Willows were 24 in October and January and 25 in May.
4. All other SCC pupils not on roll at a mainstream school are entitled to receive support via the statutory provision from the local Short Stay School in the area in which they live. There are four of these across the county. Alternatively, provision can be made via a different educational programme such as the Access to Education service. The Willows secondary provision is additional to the above statutory requirements. As such, the support and curricular offer made by The Willows secondary provision can be made via a pupil's registered school or through other alternative educational offers, where access criteria are met, without the need to be dual registered at The Willows secondary.
5. The offer described in (4) above is already in place for male pupils with equivalent needs. Should they require an individualised programme of education as a result of permanent exclusion or are at high risk of permanent exclusion or acute social and emotional vulnerability they are provided for either by their mainstream school or with the support of a Short Stay School in the area from which they live.
6. Pupils who have dual registration are receiving funding from two different sources. Every pupil on roll at a mainstream roll generates Age Weighted Pupil Unit (AWPU). Most pupils attend The Willows on part time programmes for no more than the equivalent of two or three days per week. From September 2015 pupils that attend The Willows would also receive place funding of £10,000 per full time equivalent together with a top up funding sum averaging £26,000 per full time equivalent pupil programme from the Local Authority. Currently, the top up funding sum for a full time place at a specialist school for pupils with Social, Emotional and Behavioural Difficulties is £14,000 and the average top up funding for other Short Stay Schools is £19,000. The high cost of the placement at The Willows in addition to the AWPU funding raises questions about the value for money that the provision offers as well as its financial sustainability during a period of financial pressure on the High Needs Block.
7. In the current financial climate, the funding is insufficient to maintain The Willows at its current level of costs without using a disproportionate amount of funds per pupil. Following the change of age range, the Local Authority will seek to redirect any net gain in resources to support those areas of growth for specialist SEN provision, though this will be subject to Department for Education (DFE) funding rules.
8. The senior leadership team and the governing body at the school are in agreement with the proposal to change the age range as the viability of the secondary provision in its current format has been explored in light of the

current financial climate. There is significant pressure on the High Needs Block and the Local Authority had begun a value for money review. Additional resource had been requested by the school as without these it was believed that The Willows secondary provision could not continue making equivalent education offers to future pupils. Given both points, the Management Committee's preferred option was a well managed reduction to the age range of the school and placement of current pupils elsewhere.

9. A number of staff will be affected by the change of the age range and there may be some staff redundancies. This will mainly affect staff that work fully, or in part, at the secondary Willows provision. The Local Authority will work with staff concerned and every effort will be made to redeploy existing staff in other roles around the county provided that they meet the necessary requirements.
10. The Primary provision at The Willows is required to meet the statutory needs of pupils that have been or are at risk of being permanently excluded. If the Secondary provision at The Willows is to close there will be a review of the organisational arrangements and the accommodation currently being used for the primary pupils to ensure the best use of space and resources in the South West quadrant for Short Stay School provision.

CONSULTATION:

11. A consultation period started on 6 May 2015 and concluded on 20 May 2015. A public meeting was held at the school on 13 May 2015 and approximately 20 people attended. It was originally proposed to issue Statutory Notices on 21 May 2015. Due to the number of responses received it was agreed to defer the issue of Statutory Notices to analyse the outcomes and themes and consider these against alternative arrangements for pupils. This information was fully considered and it was then decided to proceed with the issuing of Statutory Notices which were published on 15 June 2015. This has allowed a further 4 week period for representations regarding the proposal to be made.

Consultation responses

12. The public meeting was attended by approximately 20 people, many of whom were from The Willows community. There were also parents and pupils that attended the meeting.
13. A total of 48 written responses were received during the consultation via the Surrey Says website, post and email:

Parents of child attending the school	5
Parent of child attending another school	1
Local resident	1
Members of staff at the school	9
Governor at the school	0
Students or service user	3
Other	29

14. Of the responses received, 90% disagreed with the proposal, 6% agreed with the proposal and 4% did not know if they agreed or disagreed.

15. Nearly all respondents provided additional commentary. The feedback received can be broadly grouped into the following four categories: lack of alternative appropriate provision; vulnerability of the service users; grounds of decision and timing of the proposal; gender of service users.
16. Lack of alternative provision. All respondents commented on the high quality of the provision that The Willows offered and concern was expressed that this would impact on future pupils. In response to these concerns the Local Authority is satisfied that alternative arrangements are being made for existing pupils. Officers are working together with Access 2 Education teams, other Short Stay Schools and with mainstream schools to integrate pupils and organise alternative programmes of work. Pupils with vulnerabilities will have the needs met by personalised pathways and schools will be supported to meet individual pupil needs. This work will continue into the future and schools will be able to gain further support from specialist members of the Local Education Officer Teams in the four quadrants of Surrey.
17. Vulnerability of the service users. Respondents raised a number of issues relating to individual pupil needs and vulnerabilities, such as mental health issues and sexual exploitation. In response to concerns raised, these are areas of priority for the county, and officers are working with schools and partner agencies on appropriate strategies to meet these needs in the medium and long term.
18. Grounds of decision and timing of proposal. A number of different points were raised relating to the cost of the provision. The Local Authority has outlined its rationale for the consultation including financial considerations. The High Needs Block funding is under significant pressure due to demographic growth and legislative change and the Local Authority is required to review its spending on a range of provisions. The Willows secondary is not statutory provision. The speed with which the consultation process was conducted was also raised. In response to this point, the planned timeline was paused to allow officers to fully consider all the contributions made during the consultation period.
19. Gender of service users. Some respondents raised concerns about the loss of a female only provision particularly relating to the vulnerabilities of service users. Conversely, some other respondents noted that there is no equivalent male only provision, whilst similar vulnerabilities exist in this cohort as well. In response to this point, the Authority recognises that young people of both genders have vulnerabilities and is working with partner agencies to develop appropriate strategies to support these needs.
20. The Statutory Notice period of four weeks ran from 15 June 2015 and generated two further responses to the proposal, both of which would come under the 'Other' category. Both disagreed with the proposal and raised issues that have been addressed in the four points above.

RISK MANAGEMENT AND IMPLICATIONS:

21. If the provision was not to close, the Local Authority would need to consider how to continue to fund the current programmes the school is offering. It is likely that this would be a reduced offer as the school has already raised

concern that is unable to sustain the programmes offered with the current level of funding.

22. There are likely to be staff redundancies resulting from this change. Any redundancy processes and staff consultations cannot take place until a decision has been made to proceed. There has already been a significant impact on staff affected by this change. Every effort will be made to redeploy staff however if this is not achievable then they would be entitled to receive notice according to their contractual notice.

Financial and Value for Money Implications

23. There is significant pressure on the High Needs Block budget which includes costs associated with alternative provision. Whilst the provision made at The Willows for vulnerable secondary aged pupils is good, the cost of this is no longer sustainable. The Willows is one of the most costly provisions across the county with costs per pupil £7,000 higher than the average for other short stay schools. Despite this, The Willows has signaled a need for additional resources to continue.
24. The Willows placements are in addition to the cost of the mainstream school placement and essentially pupils are receiving two streams of funding. This model of delivery cannot be sustained.
25. The budget for secondary provision at The Willows is currently £492,000 per annum. Some of this will be needed to fund alternative packages for pupils who might previously have been placed at The Willows. The cost of these packages will depend on individual pupil needs, and has yet to be identified. The average cost is expected to be significantly less than that of a placement at The Willows. In addition, some of the savings may be offset by the additional cost of managing the primary provision alone and by residual premises costs. Further work will be needed to ascertain these costs as alternative placements are identified but a saving in the region of £250,000 is expected.
26. Many pupils attending The Willows are from across the county and receive funded home to school transport. For secondary aged pupils attending in 2014/15, the total cost was £82,398 for the year. By attending either a local mainstream school with a supported education programme or area based Short Stay School, savings to the transport budget will be achieved.

Section 151 Officer Commentary

27. The proposal to change the age range served by The Willows short stay school to primary only will create an estimated saving of £250,000 per annum. This will contribute to reducing the financial pressure on the high needs block within the dedicated schools budget which is funded by DSG. In addition, savings are expected on the county funded transport budget as pupils attend more local provision closer to their homes.

Legal Implications – Monitoring Officer

28. There is a statutory requirement to consult where changes in school organisation such as the one described in this report are proposed, and the details of the consultation carried out are set out in paragraphs 12-20 above.

In making a decision about the proposal, the Cabinet Member must give due regard to the results of the consultation, together with the response of the Service to the consultation comments, and conscientiously take these matters into account when making a final decision.

29. The public sector equality duty (Section 149 of the Equality Act 2010) also applies to the decision to be made. There is a requirement, when deciding upon the recommendations, to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report and in the attached Equalities Impact Assessment (EIA). The positive and negative impacts identified, together with any mitigating actions proposed, should be taken into account when making a final decision.

Equalities and Diversity

30. A full EIA has been undertaken as this proposal would have an impact on groups with protected characteristics. The document is attached to this report as Annex 1.
31. During the assessment, a number of potential impacts to service users regarding the protected characteristics of Age, Disability, Sex, and Socio-Economic factors were identified. Many of the factors identified had potential positive and negative implications. As a result of the EIA, officers will be working together with Access 2 Education teams, other Short Stay Schools and with mainstream schools to integrate pupils and organise alternative programmes of work. Pupils with vulnerabilities will have their needs met by personalised pathways and schools will be supported to meet individual pupil needs. This work will continue into the future and schools will be able to gain further support from specialist members of the Local Education Officer Teams in the four quadrants of Surrey. Reference to point 16 above.
32. In relation to the potential negative impact identified regarding the protected characteristic of age of staff, the following work is being carried out to ensure that staff are being supported appropriately. Curriculum Vitae support and careers counselling is being provided. Staff will be entitled to redeployment and will be supported through this process. All staff over 55 who are made redundant will be entitled to early release of their pension should they be unsuccessful with redeployment.

Safeguarding responsibilities for vulnerable children and adults implications

33. Safeguarding vulnerable children is a high priority in Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and adhere to robust procedures. The school would continue to apply good practice in the area of safeguarding. Safeguarding is monitored when Ofsted carries out inspections of schools.

WHAT HAPPENS NEXT:

34. Subject to Cabinet Member approval of the Statutory Notice, the proposal will be confirmed and the age range of The Willows Short Stay School will be for primary aged pupils only from 1 January 2016.

Contact Officer:

Julie Beckett, School Commissioning Officer, Tel: 01483 518109

Consulted:

SCC County Councillor for the local area

All local schools

All Surrey special schools

All parents of children at the school

All staff and governors at the school

Family Voice

SCC Officers

Health and Therapy Providers

Unions

Babcock 4S Consultants

Annex:

Equality Impact Assessment

Sources/background papers:

- Change to the age range of The Willows Short Stay School Document
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