

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 3 FEBRUARY 2016****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: CHANGE OF AGE RANGE AT ST NICHOLAS SCHOOL****SUMMARY OF ISSUE:**

Surrey County Council (SCC) has consulted on a proposal to extend the age range at St Nicholas school from 1 March 2016.

The consultation period was from 4 November to 18 November and there was a public meeting during this time, held at the school on 11 November 2015. Statutory Notices were issued on 19 November 2015, which were displayed on the school site and published in the local newspaper, stating the intention to change the age range of 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 Cabinet Member:

1. Determines the Statutory Notice stating the Local Authority's intention to change the age range of the school, such that the age range of the school is to be extended to include up to 10 Year 5 and 6 pupils from 1 March 2016.
2. Approves the provision of a two classroom modular building to deliver the accommodation required for the additional pupils at a total cost of £465,000.
3. Approves the arrangements by which a variation of up to 10% of the total value may be agreed by the Deputy Chief Executive in consultation with the Cabinet Member for Schools, Skills and Educational Achievement and the Leader of the Council.

**REASON FOR RECOMMENDATIONS:**

The change in age range will result in more local maintained specialist provision for pupils with Social, Emotional and Mental Health (SEMH) needs, together with reduced costs for this type of provision as fewer pupils will need to be placed in higher cost Non-Maintained Independent (NMI) provision.

## **DETAILS:**

### **Business Case**

1. Surrey's special school provision for SEMH provides for boys who are unable to manage the school environment successfully without a high level of targeted intervention. There may also be additional needs, such as communication and interaction needs, and without this level of support, pupils are likely to present with significantly challenging behaviour.
2. St Nicholas School is a secondary residential special school with 60 places for boys with SEMH needs that have Statements of Special Educational Needs or Education Health Care Plans (EHCPs). The school is well regarded and serves pupils living across the county. The school was rated as 'Good' by Ofsted during its last inspection in December 2013.
3. Historically SCC has commissioned one SEMH school across the county for primary aged pupils from 7 to 11 years of age (Key Stage 2), Wey House School. The school is located in Bramley, which is based in the south west quadrant of Surrey. The school is generally oversubscribed, particularly in Years 5 and 6 as pupil needs emerge and are identified. During Key Stage 2 there is increased pressure for specialist SEMH provision and when Wey House School has no places available, the only alternative option is to place children in the non-maintained and independent (NMI) sector at a cost of between £40-45,000 per annum for each pupil placed. There is an increasing reliance on the non-maintained sector for these pupils.
4. By extending the age range of St Nicholas School, Year 5 and 6 day pupils can be admitted and will benefit from more local specialist provision at a maintained school. Once a pupil has been placed in this type of provision it is more likely they will remain there for at least the remainder of the Key Stage and on some occasions until the end of their formal education. By offering specialist places at an earlier opportunity, pupils can be supported through transition periods to continue to access the most appropriate local maintained provision.
5. There would be no anticipated negative impact upon the occupancy levels of Wey House. The school would remain as the only Surrey SEMH provision to offer placements for appropriately identified pupils in Years 3 and 4. Pupils placed at Wey House would continue to attend the school until they leave at the end of Year 6, as long as they were benefitting from the arrangements available. The new non-residential places at St Nicholas School would ensure that pupils in the east of the county can access specialist provision during the key stage as needs emerge and are identified.
6. Due to the pressure on places during Years 5 and 6 there may be a small number of pupils that are identified as being appropriate for SEMH provision who experience delays in placing at a specialist school. In this interim period some children continue to attend a mainstream school; others attend local Pupil Referral Units or may receive education via alternative education pathways until a school is identified. As well as the impact on the individual pupil, any delay experienced may also have an effect on the resourcing of other services which means that early interventions cannot be offered to other pupils at alternative schools until the pupil moves on. As such, this proposal is

expected to have a positive impact on mainstream schools and alternative education providers.

7. The Governing Body and Senior Leadership Team at the school are fully in agreement with the proposal to change the age range and increase pupil numbers at the school.
8. It is proposed that a two classroom modular building is provided to deliver the required teaching accommodation for the additional Year 5 and 6 pupils.

**CONSULTATION:**

9. A consultation period started on 4 November and concluded on 18 November 2015. A public meeting was held at the school on 11 November. There were five attendees at the meeting: four were members of school staff and the other was a Governor from a local school. No parents or pupils attended the meeting.

**Consultation responses**

10. A total of 10 written responses were received during the consultation period via the Surrey Says website, post and email:

Young Person attending the school	0
Young Person previously attending the school	0
Parent/carer of a young person attending the school	2
Parent/carer of a young person previously attending the school	0
School staff member or management committee	6
Healthcare professional	0
Social care professional	0
Educational professional from another school	2
Other	0

11. Of the responses received eight agreed with the proposal to extend the age range of the school, one did not know if they agreed or disagreed with the proposal and one respondent disagreed with the proposal.
12. Additional commentary was provided by two of the responders who agreed with the proposal. One noted the benefits to pupils in receiving support at an earlier stage leading to better outcomes at the end of Key Stage 4 and the other was fully supportive of the proposal. No additional commentary was provided by either of the responders that did not or did not know if they agreed with the proposal.
13. The Statutory Notice period ran from 19 November to 18 December 2015 and generated no further responses to the proposal.

**RISK MANAGEMENT AND IMPLICATIONS:**

14. Ensuring that there is a flexible offer of provision in Surrey maintained special schools proposal is part of a longer term strategy to adapt and create local maintained specialist provision which meets the profile of pupils identified with Special Educational Needs and Disability in Surrey. If the proposal was not agreed, it would be necessary to continue to place pupils with SEMH requiring specialist provision in costly NMI schools. The earlier that a child is

placed in a NMI school the more likely they are to remain in costlier provision for a longer period of time.

15. If there is a delay in placing children with recently emerged needs in specialist provision there is likely to be an impact on pupils attending mainstream schools, Pupil Referral Units and other local authority services. This means that early interventions and services cannot be offered to other pupils at alternative schools until the pupil moves on. This can have a longer term impact on all the pupils concerned, the individual pupil that requires specialist provision as well as the pupils and school that are unable to access early interventions or services.

#### **Financial and Value for Money Implications**

16. The current cost of maintained special school provision for SEMH pupils is approximately £22,600 which consists of £10,000 planned place funding and £12,600 'top up' funding for each pupil that attends. The average placement cost for Key Stage 2 pupils in the NMI sector is currently £45,250. This suggests placements in Years 5 and 6 at St Nicholas would be some £22,650 less than NMI provision. Once all of the places at St Nicholas are available and filled the cost would be £226,000 compared to £452,500 for NMI placements, a saving of £227,000. The saving would accrue over two years as places are taken up. Assuming six places from April and a further four from September 2016 costs of £172,000 will be avoided in 2016/17 increasing to £227,000 in 2017/18.
17. In addition to NMI placement fees, home to school transport costs may also be higher due to the locations of schools in relation to pupil home addresses in Surrey. In placing additional pupils at St Nicholas School, economies of scale may be achieved by sharing transport routes with existing pupils. Savings from transport have not been included in this business case as they are dependent on the circumstances of the children placed.
18. The total cost of the two classroom modular building is £465,000 and includes a risk contingency. The cost is to be met from SEN Strategy capital funding.
19. The £465,000 capital investment in the school will be recouped in 2.2 years, as savings are made by placing pupils at St Nicholas who would have previously been placed in non-maintained and independent schools.

#### **Section 151 Officer Commentary**

20. The proposal will contribute to reducing the use and cost of expensive NMI placements which are part of the High Needs Block funded by Dedicated Schools Grant (DSG). The Council spends more on High Needs Block services than the level of funding received creating pressures across all of the education services funded by DSG. This proposal will contribute to reducing these pressures
21. The Capital Expenditure of £465,000 will be met from the SEN capital funding in the Medium Term Financial Plan (MTFP). The business case for this scheme was considered by the Council's Investment Panel on 19 January 2016 and agreement was given for the investment into the project.

### **Legal Implications – Monitoring Officer**

22. Section 13 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the needs of the population in its area. In doing so, the Council is required to contribute to the spiritual, moral, mental and physical development of the community. Section 14 of the Education Act 1996 places a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area. There is a legal duty on the Council therefore to secure the availability of efficient education in its area and sufficient schools to enable this.
23. There is a statutory requirement for consultation in this context as set out in the *School Organisation (Prescribed Alterations to Maintained Schools) (England) (Regulations) 2013*. Such consultation will need to involve those directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand.
24. In considering this report, the Cabinet Member must give due regard to the results of the consultation as set out in the report attached and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.

### **Equalities and Diversity**

25. No negative impacts have been identified as part of this proposal as this proposal will allow younger aged pupils to attend the school. The school will continue to operate as it has done previously with no change, other than increasing the offer to young people accessing the specialist provision at an earlier age.
26. The additional accommodation will not create any issues that will require the production of an Equality Impact Assessment.
27. The new building will comply with the Disability Discrimination Act (DDA) regulations.

### **Safeguarding responsibilities for vulnerable children and adults implications**

28. 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:**

29. Subject to Cabinet Member approval of the Statutory Notice, the proposal will be confirmed for the age range of the school to be extended to include Year 5 and 6 pupils from 1 March 2016.

30. If approved, to proceed to complete tenders for the modular building and subsequent award of a contract under delegated decision.
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**Contact Officer:**

Julie Beckett, School Commissioning Officer, Tel: 01483 518109

**Consulted:**

SCC County Councillor for the local area  
All Surrey primary schools  
All Surrey special schools  
All parents of young people at the school  
All staff and the Governors at the school  
Family Voice  
SCC Officers  
Unions  
Babcock 4S Consultants

**Sources/background papers:**

School Organisation Consultation paper: Changing the age range of St Nicholas School  
Investment Panel report 19 January 2016

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