

## Report of Director of Children's Services

### Report to Executive Board

Date: 22 June 2016



**Subject: Outcome of a consultation on a proposal to cease to provide complex social, emotional and mental health provision under the West Oaks SEN Specialist School and College (Oakwood Lane site) and providing for these needs under The Wellspring Academy Trust.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Gipton & Harehills		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

- This report contains details of a proposal to improve provision in Leeds to meet complex Social, Emotional and Mental Health (SEMH) needs. The changes that are proposed form prescribed alterations under the Education and Inspections Act 2006. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and accompanying statutory guidance set out the process which must be followed when making such changes. The statutory process to make these changes varies according to the nature of the change and the status of the school and the process followed in respect of these proposals is detailed in this report. The decision maker in these cases remains the Local Authority.
- At its meeting in March 2016, Executive Board gave approval for the publication of a Statutory Notice on a proposal to cease to provide SEMH provision at West Oaks SEN Specialist School and College (Oakwood Lane site) and provide for these needs under The Wellspring Academy Trust. The Notice was published on 29 March and ended on 26 April 2016. There were no comments received.

## **Recommendations**

Executive Board is asked to:

- Approve the proposal to cease to provide behaviour, emotional and social difficulty (BESD) provision under the governance of The West Oaks SEN Specialist School and College (Oakwood Lane site) from 31 August 2016. This is conditional on the conversion of the existing BESD SILC into a 4 – 19 SEMH sponsored academy. The provision at the Oakwood Lane site would become part of the new academy from 1 September 2016. If the academy conversion is not in place then the provision would continue at Oakwood Lane under the governance of West Oaks SEN Specialist School and College.
  
- Note that the officer responsible for implementation is the Head of Learning Systems.

1.1 This report describes the outcome of the consultation and subsequent Statutory Notice regarding a proposal to cease to provide complex SEMH provision under the West Oaks SEN Specialist School and College (Oakwood Lane site) and providing for these needs under The Wellspring Academy Trust, and seeks final approval in respect of this proposal.

## **2 Background information**

- 2.1 At its meeting in March 2016 the Executive Board considered the outcome of consultation on the proposal to cease to provide complex SEMH provision under the West Oaks SEN Specialist School and College (Oakwood Lane site) and providing for these needs under The Wellspring Academy Trust.
- 2.2 Executive Board gave permission to publish a Statutory Notice on this proposal, which was brought forward under Education and Inspections Act 2006 and in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The notice was published on 29 March 2016 and expired on 26 April 2016. A final decision must be made within 2 months of the expiry of the notice, therefore by 26 June 2016. The Executive Board is the decision maker for these proposals.
- 2.3 Brief notices were published in the Yorkshire Evening Post on 29 March 2016, followed by a four week period of representation. Copies of the notice were also placed at each entrance to the school. The full proposal was placed on the Council's website. Stakeholders had the opportunity to make comments in writing, by letter or by email.

## **3 Main issues**

- 3.1 No representations were received during the Statutory Notice period.
- 3.2 During the initial consultation period in January 2016 14 responses were received. In total there were 13 responses in support of the proposal with 1 neither supporting nor opposing but felt that the school would benefit massively from being included in the plans for secondary SEMH provision across the city.
- 3.3 A summary of the issues raised were addressed in the report to Executive Board in March 2016.
- 3.4 The governors at the West Oaks SEN Specialist School and College accept that there are demonstrable benefits to providing one clear 'continuum' of provision in the city which will provide children and young people with SEMH needs, a clear pathway of progression through primary and secondary provision. The governors have therefore indicated their full support for the changes.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The process in respect of this proposal has been managed in accordance with the relevant legislation and with local good practice.
- 4.1.2 The notice was publicised in the Yorkshire Evening Post and copies were placed on all the school entrances. The full proposal was placed on the Council's website.
- 4.1.3 Stakeholders had the opportunity to make comments in writing, by letter or by email.
- 4.1.4 Ward members were formally consulted during the public consultation stage and were offered the opportunity to comment at statutory notice phase. Ward members continue to give their support to the proposal.

#### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The EDCI screening form has been completed and was attached to the original Executive Board report of March 2016. It is therefore not attached to this report.
- 4.2.2 The EDCI screening form indicated that a full assessment was required and a draft copy was attached to the report in March. The completion date has now passed and a full and final copy of the full EDCI assessment is attached.
- 4.2.3 An SEN Improvement Test is required to evidence how this proposal will provide better outcomes for children of Leeds. This was undertaken as part of the consultation and was attached to the report in March 2016.

#### **4.3 Council policies and Best Council Plan**

- 4.3.1 This proposal is being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for children with a statement of special educational needs, or education health and care plan, which names social and emotional mental health (SEMH) as the principle need.
- 4.3.2 The proposal contributes to the council's ambition for Leeds to be the Best City, including being a Child-Friendly City and to the Best Council Plan 2016/17 outcome for everyone in Leeds to 'do well at all levels of learning and have the skills they need for life' through the creation of provisions that offers children in Leeds the opportunity to benefit from outstanding, integrated provision, which best meets their behaviour needs. That, in turn, will increase attendance, attainment and progression to education, employment and training among some of the city's most vulnerable children.
- 4.3.3 This proposal supports the pledge of the Children and Young People's Plan (2015/19) to review the whole system of support for social, emotional and mental health and wellbeing and the drive to focus on readiness to learn at all ages

through the ‘Life Ready for Learning’ programme, striving to improve educational achievement and close achievement gaps.

#### **4.4 Resources and value for money**

- 4.4.1 As reported previously, an indicative budget of £245k has been allocated for general maintenance works which primarily constitutes fire stopping works and replacement of the heating system including air handling units, and tenders are due back imminently for this element of the works, which are scheduled to commence on site at the end of June.
- 4.4.2 Following a more detailed building survey and in response to concerns raised during the consultation around a perceived lack of investment and facilities at the Oakwood Lane site in contrast with the significant investment in secondary provision across the city (as reported to March Executive Board), further refurbishment and remodelling works have been identified including partial replacement of windows, upgrade to the electrical system and further asbestos removal in areas where the additional works are taking place. In order to minimise further disruption to the school and provide value for money, a degree of internal remodelling will also be undertaken at the same time. Design works have recently been commissioned and a budget estimate will be provided in due course.
- 4.4.3 Due to the extent of intrusive works being undertaken during the latter half of the summer term, a decision has been taken to decant the staff and pupils into the vacant Stonegate site for the summer half-term and autumn half-term, which has added further costs to the overall project in the region of £40k, which includes decant/removals and general maintenance works such as additional fencing, roofing repairs and boiler servicing.
- 4.4.4 All of the above works are classified as ‘Category B’ capital works, and therefore the decision maker is the Director of Children Services. Authority to Spend was approved across the full 2016/17 Planned Maintenance Programme on 14th March 2016 and for the 2016/17 General Refurbishment Programme (which includes Fire Safety Works) on 9 May 2016. Separate tender acceptance DDNs will be submitted to the Director of Children’s Services as Administrative Decisions in due course.
- 4.4.5 Financial savings will be a significant benefit if the proposed changes at the Oakwood Lane provision are approved and implemented. Currently, the range of support offered in the provision is not sufficient to support the needs of all children in Leeds with varied and highly complex needs. As a result, a significant number of children must access provision outside of Leeds. This situation results in great expense for the local authority, both in terms of purchasing the specialist school places in other areas, and in terms of transport costs.

4.4.6 The new academy would be able to extend the range of support offered and would have flexibility in deploying the expertise of the newly integrated staff team across all the new sites. This should reduce the number of children whose needs cannot be met through our local offer of provision and must be sent outside of Leeds for their education. This in turn will reduce costs significantly.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The processes that have been and will be followed are in accordance with the Education and Inspections Act 2006 as set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, and amended by School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

4.5.2 This report is subject to call in.

#### **4.6 Risk Management**

4.6.1 The authority has committed to redesign the whole system of SEMH support and create a single, simple pathway with clear points of entry to achieve one of its fourteen priorities to improve outcomes for children and young people with special educational needs and/or disability. If this proposal to cease to provide SEMH provision at West Oaks SEN Specialist School and College (Oakwood Lane site) to become part of the new academy does not go ahead this would impact on the authority's ability to achieve this outcome.

4.6.2 This proposal is conditional on the conversion of the existing BESD SILC into a 4 – 19 SEMH sponsored academy. The provision at the Oakwood Lane site would become part of the new academy from 1 September 2016. If the academy conversion is not in place then the provision would have to continue at Oakwood Lane under the governance of West Oaks SEN Specialist School and College.

### **5 Conclusions**

5.1 Our ambition is to be the best city in the country. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough school places for the children is one of our top priorities. These proposals have been brought forward to meet that need, and following the appropriate consultation we now seek to move them to the next stage. They would ensure that children in Leeds would have the best possible start to their learning, and so deliver our vision of a child friendly city.

5.2 The authority's commitment to create a world class provision within the city by bringing together the city's three Pupil Referral Units (PRUs) and the BESD SILC under one leadership will support a more coherent offer of provision to meet the most complex needs in the city.

- 5.3 Working with an outstanding partner, The Wellspring Academy Trust, to convert the existing SILC and to move the existing primary provision into one new organisation. The new provision would be for learners aged from 4 – 19 and integrate specialist learning for those with social, emotional or mental health needs with assessment places. This would meet the need to provide additional SEMH capacity in the city.
- 5.4 During the consultation on the proposal to cease to provide SEMH provision at North East SILC Oakwood Lane has been supported, with the majority of respondents 13 out of 14 supporting it. No comments were received during the statutory notice period.

## **6 Recommendations**

- 6.1 Executive Board is asked to:
- 6.2 Approve the proposal to cease to provide behaviour, emotional and social difficulty (BESD) provision under the governance of The West Oaks SEN Specialist School and College (Oakwood Lane site) from 31 August 2016. This is conditional on the conversion of the existing BESD SILC into a 4 – 19 SEMH sponsored academy. The provision at the Oakwood Lane site would become part of the new academy from 1 September 2016. If the academy conversion is not in place then the provision would continue at Oakwood Lane under the governance of West Oaks SEN Specialist School and College.
- 6.3 Note that the officer responsible for implementation is the Head of Learning Systems.

## **7 Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.