



CABINET MEMBER DECISION

Date of decision – 5 JUNE 2018

**DECISION TO PUBLISH STATUTORY PROPOSALS FOR PRESCRIBED ALTERATIONS
TO SPECIAL SCHOOLS 2018 & 2019**

Relevant Cabinet Member

Marcus Hart –

(ii) the Cabinet Member with Responsibility for Education and Skills in relation to proposals in respect of which objection to the Public Notice is receu

6. All of the above prescribed alterations are subject to the statutory process detailed in the 'making changes to maintained schools' or 'making significant changes to an open academy' DfE guidance. Governing Bodies of all categories of special school and LAs for community special schools may seek to increase the number of places by following the statutory process if the increase is by 10% or 20 pupils (whichever is the lesser). The proposals at Rigby Hall and Wyre Forest require the LA (community special) to complete a statutory process. The Academy special school is required to complete a full business case including consultation with all those who could be affected by the proposed change to be submitted to the Regional Schools Commissioner for a decision.

7. The September 2018 proposals do not require any capital funding, the revenue funding will be found as part of the High Needs Dedicated Schools Grant, which is significantly overspent as reported to CFC Leadership Team as part of the monthly budget monitoring report. For Kingfisher as an Academy school, the place funding will be deducted from the Local Authority DSG from September 2018. Each FTE will be funded at £10k plus the top up for individual pupils based on their bandings. Some pupils may move from mainstream schools into these places, although this is unlikely to generate any savings.

8. The Rigby Hall September 2019 enlargement does require capital funding from the LA. Following the bidding evaluations, the CMR for Education and Skills was consulted on evaluation results and supported the recommendation to include the Rigby Hall project as a proposal for the 2018/19 SPCF allocation (£361,888) as part of the Education Capital programme to be reviewed by Cabinet in June 2018 (Resources report). Early indicative costs for this project estimate a cost of £367,895.95 + VAT for the additional Complex Needs Centre expansion. The CFC Accommodation officers are currently working with the school and consultants to develop detailed feasibility and costings. Additional Basic Need capital will be allocated to support this project if necessary as detailed in the Cabinet report.

Pre-Consultation

9. Since 2016, the statutory guidance no longer has a requirement for a pre-consultation period but there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal(s) prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations. Schools also need to ensure that they have the consent of the site trustees and other relevant religious authorities (where necessary).

10. The Director of Children, Families and Communities considers (having taken

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- III. The timeline including the pre-consultation stage would likely complete in October / November 2018, too late for the September 2018 start date of the additional pupils. It would also delay the start of the works on site to enlarge

- 13th June – 11th July 2018 - Publish Full proposals & Public Notices – Representation Stage (must be 4 weeks)
- End of July - Final decision (if objections, will need a further CMR report).

16. Details of the published full proposals will be sent out to a range of stakeholders including parents and carers of pupils at all Worcestershire Schools, other education providers, parent groups, local residents, trade unions, and local members. Public notices will be published in all local papers and at each proposed school. All stakeholders will have an opportunity as part of the representation stage to comment on the proposals. Officers will take any comments and objections into account when forming the recommendations for the final decision maker who will be able to see the comments and responses as part of the final decision report.

17. The final decision must be made within a period of two months of the end of the representation period or it must be referred to the Schools Adjudicator.

18. The above timeline would allow schools to confirm places allocated to pupils for September 2018 and work to begin on the enlargement project at Rigby Hall ready for at least September 2019. The High Needs Commissioning review was a lengthy process and recommendations need to be actioned as quickly as possible to support children and young people access the most appropriate education provision to stand the best chance of positive outcomes. The LA needs to evidence the outcomes and outputs of the HNCR and a significant part of this includes taking action to address the increased demand for special school places.

Privacy and Public Health Impact Assessments

19. A Privacy and Public Health impact screening has been completed in respect of these recommendations. The screening did not identify any potential considerations requiring further consideration during implementation.

Equality and Diversity Implications

A full Equality Impact Assessment has been carried out in respect of the recommendations. This did not identify any potential negative impact for the Protected Groups affected. The full EIA is attached at Appendix 2.

Supporting Information

- Appendix 1 – Details of proposed prescribed alterations at Worcestershire Special Schools September 2018 and September 2019.
- Appendix 2 – Equality Impact Assessment

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

- [High Needs Commissioning Review Plan](#)
- [SEND Strategy](#)