

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

9 June 2020

Proposal to formally confirm the establishment of satellite specialist sixth form provision for Springhead School on the former Graham Lower School site in Scarborough

1 PURPOSE OF REPORT

- 1.1 To provide the Executive Members with information upon which to make a decision on the proposal to formally confirm the establishment of satellite specialist sixth form provision for Springhead School on the former Graham Lower School site in Scarborough and to confirm an increase in available capacity at the school.

2 EXECUTIVE SUMMARY

- 2.1 On 31 March 2020 the Executive approved the publication of statutory proposals to formally confirm the establishment of satellite specialist sixth form provision for Springhead School on the former Graham Lower School site in Scarborough and to confirm an increase in available capacity at the school.
- 2.2 This followed careful consideration of the responses to public consultation carried out by the Children and Young People's Service.
- 2.3 The statutory proposals were published on 23 April 2020, giving 4 weeks until 21 May 2020 for representations to be made.
- 2.4 This report is supported by a number of Appendices as listed below:

Annex A: Public Notice and Statutory Proposals

Appendix 1: Public Notice in accordance with sections 15(1) and 19(1) of the Education and Inspections Act 2006

Appendix 2: Statutory Proposals

Annex B: School Organisation Guidance for Decision-makers

3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for making changes to maintained schools. These are detailed in School Organisation regulations and guidance¹. The regulations and guidance apply to Local Authorities and governing bodies proposing to make changes to schools, and to Local Authorities (including the County Council's Executive or Executive Members) acting as decision-makers.

¹ School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; Opening and closing maintained school: Statutory guidance for proposers and decision-makers (November 2019) and Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers (October 2018).

4 PROPOSALS

4.1 North Yorkshire County Council proposes:

To formally confirm the establishment of satellite specialist sixth form provision for Springhead School on the former Graham Lower School site in Scarborough and to confirm an increase in available capacity at the school from approximately 75 to approximately 85 places.

The full statutory proposals are set out in Appendix 2.

5 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The consultation period ran from 24 January to 6 March 2020. Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are included in Annex A, Appendix 2.

5.2 The decision to proceed to the next stage would have ordinarily been a decision for the Executive. However, due to Covid 19 the decision was delegated to the Chief Executive Officer in consultation with the Executive Member for Education and Skills. For the same reason the decision was delayed for one week. On 31 March 2020 the Chief Executive Officer considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

6 STATUTORY PROPOSALS AND NOTICES

6.1 The statutory proposals and public notices were published on 23 April 2020. The public notice, placed on the school gates and in the Scarborough News newspaper, invited written objections or comments to be submitted by 21 May. A copy of the notice is attached as Annex A, Appendix 1. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal is attached as Annex A, Appendix 2.

6.2 Following the publication of the Statutory Notices, only one response was received by the end of the notice period. This response, from the Principal of Scarborough Sixth Form College apologised that they had not responded to the initial consultation and stated that *'I fully support the proposal and also if there is anything we can do to support the sixth form or ways in which we might be able to work together in the future, then we would be happy to do so'*.

7 FINANCIAL IMPLICATIONS

REVENUE

7.1 Springhead School is well-established and in its most recent Ofsted inspection in 2018 was judged to be Outstanding. The school is operating close to its capacity in terms of commissioned places. The school is projecting an end of year surplus of £22k for 2019/20 and this proposal will not be detrimental to their revenue position.

7.2 The average cost for a place at Springhead School is £24,730 against an average cost of £58,519 for Independent/Non-Maintained day place provision.

CAPITAL

- 7.3 A capital improvement project was carried out in the Summer of 2017 to facilitate the temporary operation of the satellite provision. The school are currently bidding for further funds to improve the facilities and will continue to be able to do so going forward as is the case for all community and voluntary controlled schools.

8 LEGAL IMPLICATIONS

REGULATIONS AND GUIDANCE

- 8.1 The consideration and determination of school organisation proposals by the Local Authority is set out in regulations and in guidance produced by the Department for Education.² Careful regard has been had to these provisions.

PRELIMINARY CHECKS

- 8.2 The Decision Maker must consider, on receipt of each proposal:
- whether any information is missing;
 - whether the published notice of the proposal complies with statutory requirements;
 - whether the statutory consultation has been carried out prior to the publication of the notice;
 - and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive or Executive Members to proceed to determine this proposal.

TYPES OF DECISION THAT CAN BE MADE

- 8.3 In considering proposals, the Executive (or the Executive Member for Schools, if there are no objections received during the representation period), as Decision Makers can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification;
 - approve the proposals subject to them meeting a specific condition.

9 PROCEDURE FOR THE MEETING

- 9.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:
- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

² See footnote 1.

10 REASONS FOR THE RECOMMENDATION

DEMAND FOR PLACES

- 10.1 Springhead School is a Special School which accommodates pupils with a wide range of needs. Demand for this type of provision is increasing in North Yorkshire and it is expected that this will continue into the future in line with local and national trends. Pressure on current capacity across specialist provision in North Yorkshire is a significant contributory factor to the projected overspend on the High Needs Block budget. Temporarily establishing a satellite provision on the Lady Edith’s Drive site has created additional special school capacity and in turn created more local provision for children and families in line with the Strategic Plan for SEND Education Provision 2018-2023. This proposal would make permanent an existing temporary arrangement.
- 10.2 There were no points of objection to the consultation or to the proposal.

11 HUMAN RIGHTS IMPLICATIONS

- 11.1 There are no Human Rights issues in relation to this issue.

12 RECOMMENDATIONS

- 12.1 That having undertaken the required preliminary checks, the Executive Members resolve that the four key issues listed above in paragraph 8.2 have been satisfied and there can be a determination of the proposals.
- 12.2 That the following proposal be determined:

To formally confirm the establishment of satellite specialist sixth form provision for Springhead School on the former Graham Lower School site in Scarborough and to confirm an increase in available capacity at the school.

Stuart Carlton
Corporate Director – Children and Young People’s Service

Report prepared by Matt George, Strategic Planning Team.

List of Appendices:

Annex A: Public Notice and Statutory Proposal

Appendix 1: Public Notice in accordance with section 15(1) of the Education and Inspections Act 2006

Appendix 2: Statutory Proposal for school closure

Annex B: School Organisation Guidance for Decision-makers

Background documents

Report to Executive, 24 March 2020

Report to Executive Members, 14 January 2020

Action AgreedExecutive Member
Date:

NORTH YORKSHIRE COUNTY COUNCIL
Expansion of Springhead School onto an additional site
and an increase in the number of places in the special
school, using the former Graham Lower School Site at
Lady Edith's Drive, Scarborough.

Springhead School – Expansion onto an additional site and an increase in the number of places in the special school

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, intends to make a prescribed alteration to Springhead School, Scarborough, North Yorkshire, on 1 September 2020.

This proposal is to permanently expand Springhead School onto an additional site and an increase in the number of places in the special school, using a site at Lady Edith's Drive, Scarborough. The satellite provision on the Lady Edith's Drive site will provide places for pupils aged 16 and above.

Copies of the complete proposals can be obtained from: Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at www.northyorks.gov.uk

Within four weeks from the date of publication of this proposals any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm on 21 May 2020.

Signed: B. Khan
Assistant Chief Executive
(Legal and Democratic
Services)
Publication Date: 23 April 2020

Expansion of Springhead School onto an additional site and an increase in the number of places in the special school using the former Graham Lower School Site at Lady Edith's Drive, Scarborough.

Statutory proposals for Prescribed Alterations – Expansion onto an Additional Site and an increase in the number of places at the special school.

Contact details

Proposal published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, to make prescribed alterations to Springhead School, Barry Lane, Scarborough North Yorkshire, from 1 September 2020.

Implementation

It is proposed to make permanent the temporary expansion of Springhead School onto an additional site from 1 September 2020.

Description of alteration

The proposal is to permanently expand Springhead School through the creation of Specialist satellite provision on the Former Graham Lower School Site at Lady Edith's Drive with effect from 1 September 2020. This arrangement has been operating temporarily from September 2017. Prior to the temporary expansion on the new site the school could accommodate approximately 75 pupils with the relevant Special Educational Needs. As a result of the expansion on the additional site this has been increased to approximately 85 and this capacity will be made permanent by this proposal.

The reasons for the expansion

Springhead School is a Special School which accommodates pupils with a wide range of needs. Demand for this type of provision is increasing in North Yorkshire and it is expected that this will continue into the future in line with local and national trends.

Pressure on current capacity across specialist provision in North Yorkshire is a significant contributory factor to the projected overspend on the High Needs Block budget. Temporarily establishing a satellite provision on the Lady Edith's Drive site has created additional special school capacity and in turn created more local provision for children and families in line with the Strategic Plan for SEND Education Provision 2018-2023. As this site has been in operation for almost 3 years it is now necessary to carry out the statutory process to make this situation permanent in school

organisational terms.

Effect on other schools, academies and educational institutions

There is not expected to be an effect on other schools, academies and educational institutions.

Project costs and indication of how these will be met, including how long term value for money will be achieved.

The satellite provision place costs are currently comparable to that of Springhead School. The continuation of this provision delivers efficient use of resources both in terms of place costs and transport in comparison to provision being sought from the independent sector.

Springhead School is well-established and in its most recent Ofsted inspection in 2018 was judged to be Outstanding. The school is operating close to its capacity in terms of commissioned places. The school is projecting an end of year surplus of £22k for 2019/20 and this proposal will not be detrimental to their revenue position.

The average cost for a place at Springhead School is £24,730 against an average cost of £58,519 for Independent/Non-Maintained day place provision.

Capital investment was provided to the site at the point that it began operating as a temporary expansion of Springhead School.

Admission and curriculum arrangements

It is proposed to use the Lady Edith's Drive site to provide satellite specialist provision from Springhead School. Springhead is a special school in Scarborough making provision for a wide range of complex SEN. It serves a wide geographical area across the east of the County. The School accommodates children aged 3-18 who all have an Education Health Care Plan.

The proposal is to formalise the establishment of the Sixth Form Provision on the Lady Edith's Drive site to allow the school to offer an increase of provision both at the Sixth Form and, as a direct consequence, 3-16 places at the main school site. Demand for this type of provision is increasing in North Yorkshire and it is expected that this will continue into the future in line with local and national trends.

Admission arrangements would be in line with current national guidance and local processes. Children would only access the provision following a statutory assessment of their SEND resulting in issuance of an Education and Health Care Plan and formal consultation between the LA and School regarding the school's ability to meet individual needs.

Pressure on current capacity across specialist provision in North Yorkshire is a significant contributory factor to the projected overspend on the High Needs Block budget. Developing a satellite provision on the Lady Edith's Drive Site creates

additional capacity and in turn reduce the need for higher cost Independent and Non-Maintained provision.

Governance and administration

As an extension of Springhead School the satellite provision will continue to be managed under the same Senior Leadership and Governing Body structures already in existence. Any new staff employed would therefore be contracted under Springhead School and deployed across the school and satellite at the discretion of the Head Teacher of the school.

Physical characteristics of the school

It is intended that the provision in Scarborough will continue to serve the local community and extend the provision Springhead School offers across the geographical area, meeting expected increased future demand. Although a standalone provision, it is possible that some young people could access activities on either site should it be determined that this would meet individual needs.

Consultation

The decision to consult on enlargement of Springhead School through the use of Specialist satellite provision on the Lady Edith's Drive Site was taken by the Executive Member for Schools on 14th January 2020. A consultation paper setting out the proposal was sent to parents of pupils on roll, staff at the school as well as other interested parties and individuals. A copy of the consultation paper is attached as Appendix 1. A list of the consultees is attached as Appendix 3. The consultation period ran from 24 January to 12 March. There have been 6 consultation responses received (Appendix 5).

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director-Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 18 May.

Annex B: School Organisation Guidance for Decision-makers

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers 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 affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations.

- the GB/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; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. 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.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

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

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

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 should 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 groups within the community.

Travel and accessibility

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.

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. 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.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

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.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese;
and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.