

# Public Document Pack

North Yorkshire Council  
Children and Young People's Service - Executive Members & Corporate Director Meetings -  
Department

Tuesday, 18 April 2023 / 1.00 pm

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## A G E N D A

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- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Exclusion of the public from the meeting during consideration of item(s) # on the grounds that it/they each involve the likely disclosure of exempt information as defined in the paragraph(s) # of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006**

### Items for Executive Member decision

- 4 Review of the SEND Residential Provision – Welburn Hall School (Pages 3 - 116) (Pages 3 - 116)  

To provide the Executive member with information upon which to determine the proposal to pause residential provision at Welburn Hall School for a period of two years with effect from 1 September 2023.
- 5 SEN Capital Programme (Pages 117 - 140) (Pages 117 - 140)  

To approve the SEND Programme, as set out in paragraph 19.2 (noting that some individual schemes will be the subject of separate subsequent approvals)

### Items for Corporate Director decision

#### Any Other Business

- 6 Date of future formal meetings  
09 May 2023  
06 June 2023  
04 July 2023  
01 August 2023  
05 September 2023  
03 October 2023  
07 November 2023  
05 December 2023

#### Circulation:

##### Executive Members

Janet Sanderson  
Annabel Wilkinson

##### Officer attendees

Stuart Carlton  
Howard Emmett  
M Sadler

##### Presenting Officers

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## NORTH YORKSHIRE COUNCIL

### EXECUTIVE MEMBER

18 April 2023

#### Review of the SEND Residential Provision Welburn Hall School

### 1 PURPOSE OF REPORT

- 1.1 To provide the Executive member with information upon which to determine the proposal to pause residential provision at Welburn Hall School for a period of two years with effect from 1 September 2023.

### 2 EXECUTIVE SUMMARY

- 2.1 On 14 February 2023 the Executive approved the publication of statutory proposals to pause residential provision at Welburn Hall School for a period of two years with effect from 1 September 2023.
- 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 22 February 2023, giving 4 weeks until 22 March 2023 for representations to be made.
- 2.4 This report is supported by a number of Appendices as listed below:

Appendix A Statutory Proposal

Appendix B Public Notice in accordance with section 19(1) of the Education and Inspections Act 2006

Appendix C School Organisation Guidance for Decision-makers

Appendix D Equality Impact Assessment

Appendix E Climate Change Impact Assessment

### 3 BACKGROUND

- 3.1 The Education and Inspections Act 2006 sets out the procedures for making changes to a maintained school. These are detailed in School Organisation regulations and guidance<sup>1</sup>. The regulations and guidance apply to Local Authorities and governing bodies proposing to make prescribed alterations, and to Local Authorities (including the Council's Executive and Executive Members) acting as decision-makers.

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<sup>1</sup> School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and Department for Education statutory guidance, Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision makers January 2023.

## **4 PROPOSALS**

### **4.1 North Yorkshire Council proposes:**

To pause residential provision at Welburn Hall School for a period of two years with effect from 1 September 2023.

## **5 CONSULTATION UNDERTAKEN AND RESPONSES**

5.1 Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses to the consultation are referenced in Appendix A.

5.2 On 14 February 2023, the Executive 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 22 February 2023. The public notice, placed on the school gates and in the Gazette and Herald newspaper, invited written objections or comments to be submitted by 22 March 2023. A copy of the notice is attached as Appendix B. 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 can be found at Appendix A.

6.2 Following the publication of the Statutory Notices, no responses were received by the end of the notice period on 22 March 2023.

## **8 FINANCIAL IMPLICATIONS**

8.1 The implications for revenue and capital funding were detailed in the reports to Executive on 13 December 2022 and 14 February 2023.

## **9 LEGAL IMPLICATIONS**

### **REGULATIONS AND GUIDANCE**

9.1 The consideration and determination of school organisation proposals by the Council is set out in regulations and in guidance produced by the Department for Education.<sup>2</sup> Careful regard has been had to these provisions.

### **PRELIMINARY CHECKS**

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<sup>2</sup> See footnote 1.

- 9.2 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

- 9.3 In considering proposals for a school closure, 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.

## 10 PROCEDURE FOR THE MEETING

- 10.1 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 Council's Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

## 11 REASONS FOR THE RECOMMENDATION.

- 11.1 The reports to the Executive on 13 December 2022 and 14 February 2023 set out the key issues. The latest position on these issues is summarised below.
- 11.2 The report to the Executive in December 2022 (which was seeking approval to launch a public consultation exercise in relation to the proposal to pause residential provision for two academic years from September 2023) set out that the main underlying reason for the proposal is the

technical evaluation that the heating and drainage systems at the school (and particularly in relations to the House) building are at a catastrophic risk of failure.

- 11.3 Consequently the planning assumption is that the Council will need to undertake a major responsive maintenance project, with the assumption being that the building will need to be out of circulation for two years.
- 11.4 The process of evaluating the longer term optimal strategic plan for the school is still under consideration and will be reported in the early summer. In the meantime, it was considered necessary to plan for the building being out of circulation to provide sufficient notice to all parties that would be impacted by its closure (particularly young people and their families and the staff groups working directly with the families). Hence the proposal that the Council would pause residential provision at the school for two years.
- 11.5 It was acknowledged that as a result of the proposed changes to residential provision from September 2023, that there could be a risk associated with retaining the staffing capacity and expertise to maintain the provision through to the end of the summer term. In the light of staffing changes at the school, the current position is that children and young people who were previously resident at the school will have alternative arrangements in place from May half-term, and we are working closely with the school and families to put in place effective arrangements to support the cohort of 11 young people in residential provision through to summer 2023 and ongoing placements for the small number of that cohort where residential placements are required in September 2023.

## **12 HUMAN RIGHTS IMPLICATIONS**

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

## **13.0 OTHER IMPLICATIONS**

- 13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix D. The assessment concluded that, 'the Council considers that the proposals being brought forward at this point in time, and the timing of this consultation exercise offer the most constructive response to the challenges faced and are compatible with supporting Welburn Hall to remain a highly effective Special school, and to enable the Council to assess how residential provision at the school can potentially be maintained into the future'.
- 13.2 A Climate Change Impact Assessment has been undertaken in respect of this proposal and is attached as Appendix E. The assessment concluded that, 'This climate change assessment has demonstrated that the proposed project would have a positive impact upon climate change impact through both the provision of a more effective drainage system (reduced risk of pollution to the local environment) and more efficient oil heating boilers (reduced CO2 emissions). The impact assessment has noted, however, that the proposed construction project will also have negative

impacts arising from the waste that will be produced (including hazardous asbestos waste) and noise pollution that will arise. In both cases the Council will work closely with its contractors to ensure that waste is minimised and disposed of in accordance with the environmental regulations and that noise pollution is controlled'.

## **14 RECOMMENDATIONS**

14.1 (a) That having undertaken the required preliminary checks, the Executive resolve that the issues listed above in section 9 have been satisfied and there can be a determination of the proposals.

(b) That the following proposal be determined:

To pause residential provision at Welburn Hall School for a period of two years with effect from 1 September 2023.

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

Report prepared by Martin Surtees – CYPS Senior Finance – Projects

### List of Appendices:

- Appendix A: Statutory Proposal for school closure
- Appendix B: Public Notice in accordance with section 19(1) of the Education and Inspections Act 2006
- Appendix C: School Organisation Guidance for Decision-makers
- Appendix D: Equality Impact Assessment
- Appendix E: Climate Change Impact Assessment

### Background documents

Reports, Executive, 13 December 2022 and 14 February 2023

## **APPENDIX A: Statutory Proposals**

### **School organisation proposals to remove residential (boarding) provision at Welburn Hall School from 1 September 2023 for a period of up to two years**

#### **School and Local Authority details**

Proposals published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AD, to make significant changes ('prescribed alterations') to Welburn Hall (Community Special) School, Kirkbymoorside, York, North Yorkshire, YO62 7HQ.

#### **Description of alterations and evidence of demand**

Proposals by North Yorkshire County Council to remove residential (boarding) provision at Welburn Hall School from 1 September 2023 for a period of up to two years.

Recent technical assessments have identified significant structural challenges in the main House building, which provides the residential accommodation, catering facilities and some teaching and learning space. These challenges relate to the heating and drainage systems at the school. The local authority is planning on the basis that a programme of urgent works to address buildings failure will need to be put in place from Summer 2023, with the unfortunate consequence that the main house building will be out of operation for an expected period of two academic years. We would want to emphasise that our assessment is that the school buildings remain a safe environment for young people to both be educated and reside in the interim.

#### **Objectives (including how the proposal would increase educational standards and parental choice)**

This proposal is being brought forward directly as a result of the local authority technical assessments regarding the condition of the building and the necessary maintenance works identified, and it has been assessed that the local authority is unable to support residential provision at Welburn Hall through the academic years 2023-24 and 2024-25.

However, the local authority considers that the proposals being brought forward at this point in time, and the timing of this consultation exercise offer the most constructive response to the challenges faced, and are compatible with supporting Welburn Hall to remain a highly effective Special school, and to enable the local authority to assess how residential provision at the school can potentially be maintained into the future.

#### **The effect on other educational institutions within the area**

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



## **APPENDIX A: Statutory Proposals**

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

The capital implications of the temporary accommodation proposed would be £300k. This outlay would need to be resourced from the SEN Capital Programme.

It is acknowledged that the longer term options for securing the future of Welburn Hall could require much more significant capital investment (dependent on the option selected) - but those implications will be picked up in further reports, when there has been time to progress detailed evaluations.

Further details on the financial implications are set out in the report to Executive, 13 December 2022.

### **Implementation plan**

Whilst the vast majority of young people currently accessing residential provision at Welburn Hall will naturally leave in July 2023 due to their age, we recognise that a small number of pupils will have been expecting to access residential provision until July 2024. The council's SEN Case Work Team have made contact with those families affected and will be providing support to assess all available provision options to continue to meet their assessed needs. We will need to work closely with the very small number of families with young people whose placements would have continued into the 23/24 academic year, to identify appropriate high quality alternative placements.

### **Consultation**

The County Council consulted on the school organisation proposals from 3 January to 31 January 2023. A copy of the consultation paper, a list of the consultees, notes of two online public consultation meetings and the consultation responses received are available at <https://www.northyorks.gov.uk/current-consultations>

### **Related proposals**

This proposal is not related to any other proposals

### **Procedure for making responses (support, 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, or emailing [schoolorganisation@northyorks.gov.uk](mailto:schoolorganisation@northyorks.gov.uk) by 5pm on 22 March 2023.

# ***Consultation Document***

**School organisation proposals to temporarily  
remove residential provision at Welburn Hall Special  
School for the academic years 2023-24 and 2024-25**

# Welburn Hall School

December 2022

This paper sets out school organisation proposals by North Yorkshire County Council to temporarily remove residential provision at Welburn Hall School, Welburn, Kirkbymoorside.

It follows a review of provision and consultation carried out under the Children and Families Act 2014.

This paper gives the background to the proposals. There will be virtual (on-line) public meetings on Tuesday 10 January 2023 and Wednesday 18 January 2023 at 6 pm via Microsoft Teams. If you wish to be part of this virtual meeting could you please let us know by emailing [schoolorganisation@northyorks.gov.uk](mailto:schoolorganisation@northyorks.gov.uk) and joining instructions will be provided.

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## Background

North Yorkshire County Council wants all children and young people with Special Educational Needs and Disabilities (SEND) in North Yorkshire:

- to have the best educational opportunities so that they achieve the best outcomes
- to be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community
- to make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life

The County Council has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with Special Educational Needs and Disabilities (SEND). Under the same act, the County Council also has responsibility for ensuring that the needs of children and young people with Special Educational Needs and Disabilities (SEND) are suitably assessed and that needs are met.

We have reviewed recently the residential provision at Welburn Hall and following consultation had determined that there was an ongoing need for residential provision, but that access to that provision would in future be via more specific criteria.

**However, recent technical assessments have identified significant structural challenges in the main House building, which provides the residential accommodation, catering facilities and some teaching and learning space. These challenges relate to the heating and drainage systems at the school. The local authority is planning on the basis that a programme of urgent works to address buildings failure will need to be put in place from Summer 2023, with the unfortunate consequence that the main house building will be out of operation for an expected period of two academic years. We would want to**

**emphasise that our assessment is that the school buildings remain a safe environment for young people to both be educated and reside in the interim.**

**In the light of the latest technical assessments, the implications for the main house and our concern that we provide clarity at the earliest opportunity to families and school staff, we are consulting at this stage on the potential temporary removal of residential provision at Welburn Hall School.**

**We appreciate that this is an unexpected development and want to emphasise that it is a response to an emergency scenario. We will work closely with colleagues at Welburn Hall School as well as young people and their families to ensure any impact on those accessing the provision is minimised.**

**Day places will continue to be provided at Welburn Hall in a separate building while these urgent reactive maintenance works are being carried out to the main house.**

### **The school organisation proposals**

The County Council is now consulting specifically on the school organisation proposals required to:

Remove residential provision at Welburn Hall School from 1 September 2023, on a temporary basis for a two-year period.

Your views on these school organisation proposals are welcomed.

### **What is this consultation about?**

This consultation is about our proposal to temporarily pause the residential offer at Welburn Hall School.

Under these proposals, residential provision would be unavailable at Welburn Hall school for the 2023-24 and 2024-25 academic years.

### **Why do we need to pause the residential offer at Welburn Hall School?**

As discussed above, this proposal is a direct consequence of the significant failings we have identified in the heating and drainage systems at the school. These impact most significantly upon the main House building. Furthermore, the proposals are solely a response to these building challenges – without these challenges, residential provision would be continuing to operate at the school.

Given that we are currently working on the basis of undertaking an urgent reactive maintenance programme over a period of two academic years, we are specifically proposing to pause the residential offer for two years.

Whilst the vast majority of young people currently accessing residential provision at Welburn Hall will naturally leave in July 2023 due to their age, we recognise that a

small number of pupils will have been expecting to access residential provision until July 2024. The council's SEN Case Work Team have made contact with those families affected and will be providing support to assess all available provision options to continue to meet their assessed needs.

### **What Happens Next?**

Your views about these proposals are welcomed. You can either complete and return the attached response sheet or submit an online response.

Paper responses should be returned to North Yorkshire County Council at the address below:

FREEPOST RTKE-RKAY-CUJS  
Welburn Hall  
Strategic Planning  
North Yorkshire County Council  
County Hall  
NORTHALLERTON  
DL7 8AE

Online responses may be submitted by following this link:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=167025922396>

### **The closing date for responses is 31 January 2023**

All responses to the consultation received by this date will be considered by the County Council's Executive committee on 14 February 2023.

If the County Council's Executive decides to proceed, then statutory proposals would be published on 22 February 2023 on the County Council's website and statutory notices placed in the local press and on the school gates. These statutory proposals would provide a further four weeks for representations to be made. A final decision would then be made in April by the County Council's Executive (or by the Executive Member for Education, Learning and Skills, if there are no objections to statutory proposals).

### Anticipated key dates

All dates are subject to approvals at each stage.

Consultation opens	3 January 2023
Public meetings	10 and 18 January 2023 at 6pm via Microsoft Teams
Consultation closes	31 January 2023
County Council's Executive considers consultation response	14 February 2023
Statutory Proposals published (4 weeks for representations to be made)	22 February – 22 March 2023
Final decision by County Council's Executive (or the Executive Member for Education, Learning and Skills, if there are no objections to the statutory proposals)	18 April 2023
Implementation	From 1 September 2023

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## Welburn Hall School

Remove residential provision at Welburn Hall School from 1 September 2023, on a temporary basis for a two-year period.

Observations and/or suggestions:

*Please do not disclose any personal data in your response*

Interest/Status .....

e.g. Parent/Governor/Teacher/Community

Name of School .....



Signed .....

Date: .....

Name (Block Capitals) .....

Address: .....

.....

.....

Postcode: .....

To help us assess whether we have provided clear information, please let us know whether you found this consultation easy to understand? YES/NO

Do you have any suggestions for improvement?

.....

**Under the provisions of the Freedom of Information Act 2000, responses to the consultation may be published on the County Council's website where it may be accessed by members of the public. Your personal details will not be published.**

Please send this response sheet to the following "FREEPOST" address. You do not need to use a postage stamp.

FREEPOST RTKE-RKAY-CUJS

Welburn Hall

Strategic Planning

North Yorkshire County Council

County Hall

NORTHALLERTON

DL7 8AEDL7 8AE

Or go to:

<https://consult.northyorks.gov.uk/snapwebhost/s.asp?k=167025922396>

and submit your response there

**To be received by no later than 31 January 2023**

*We are collecting this information for the purpose of gathering views on the proposal. Your personal data will not be published or passed to any other organisation unless a legal obligation compels us to do so. We may contact you to discuss your views further. For more information about how your personal data is handled at North Yorkshire County Council please visit: [www.northyorks.gov.uk/privacy-notice](http://www.northyorks.gov.uk/privacy-notice)*

## List of Consultees

### Welburn Hall – List of Consultees

Welburn Hall	Parents
	Staff and governors via
	Headteacher
	Chair of Governors

Local Authority	North Yorkshire County Council
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Local Schools	
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Unions and Professional Associations	NAHT
	NASUWT
	NEU (formerly NUT & ATL)
	VOICE
	ASCL
	UNISON

Diocesan Directors	Diocese of York
	Middlesbrough Diocese

Neighbouring Local Authority:	
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Local County Councillors –	Kirkbymoorside & Dales
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Borough Councillors	Kirkbymoorside
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Local Parish/Town council	Welburn (Kirkbymoorside)
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	Library Service
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Local MP	Kevin Hollinrake
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Regional Director for Yorkshire and Humber	
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Secretary of State:	
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Internal distribution	Adviser
	Governor Support
	HR Advisor
	School Admissions
	Passenger Transport
	Catering/Building Cleaning
	Press Office
	FMS Officer/Finance
	Executive Members
	Others

As part of the consultation process, two public meetings were organised for January 10<sup>th</sup>, 2023 and January 18<sup>th</sup>, 2023. The former meeting was not attended by any members of the public. The notes below relate to the meeting held on January 18<sup>th</sup>, and include the presentation provided to the attendees at the meeting.

### **Note of Public Consultation Meeting on proposals to temporarily remove residential provision at Welburn Hall School**

Held online on 18 January 2023 at 6pm

Attending: 3 consultees and Martin Surtees, Finance Projects, Central Services, NYCC, John Lee, Strategic Planning Officer, CYPS, NYCC.

#### Agenda

1. Welcome and introductions
2. Presentation
3. Questions and Comments

Martin Surtees welcomed everyone to the meeting and gave the following presentation.

#### Purpose of consultation meeting

- We are planning to provide a short overview presentation to
  - - clarify the proposal under consideration
  - - discuss the consultation process and decision-making route with the local authority
  - - explain the local authority's rationale for the proposal
  - - discuss some significant wider implications of proposals
- We will then open up the session for any questions – and will respond within the meeting, but may take details in case we need to follow up with a further response

A note of this meeting will form part of the report that the Executive consider when deciding whether to proceed with this proposal

#### Consultation process

- We are consulting as a local authority upon the proposal that we pause the offer of residential provision at Welburn Hall for two years from September 2023
- This will mean that no new placements will commence residential provision until September 2025.
- There are currently 12 young people in residential provision at Welburn Hall, but only 2 of those placements would have continued into the academic year 2023-24. We will work intensively and closely with the families involved to identify alternative placement opportunities that will support the desired outcomes in the EHCPs for these young people.

#### Consultation process

- This public consultation process runs to 31 January

- Within that process, we are particularly keen to hear the views of young people and families directly impacted by the changes to residential provision, residential care staff and their staff side representatives, and any stakeholders interested in the ongoing development of Welburn Hall Special school
- Following the consultation process, the feedback will be evaluated and reported to the County Council Executive on 14 February
- If the outcome at that stage is that the County Council intends to continue with the implementation of the proposal (which is not known at this stage) then there will be a need for a period of statutory consultation in relation to the proposal

#### Background / Rationale 1

- We have been working to evaluate the implications of some serious heating and drainage issues associated with the school – but which particularly impact upon the House which have been identified by our technical property experts.
- At the outset we want to emphasise that the school buildings are a safe working environment but we cannot disregard the increasing risk of chronic failure of the heating and drainage systems going forwards.
- They have been working to identify what are the best solutions that we can develop which balance wanting to ensure we have a reasonable degree of service continuity with providing high quality education and support to pupils and families

#### Background / Rationale 2

- Unfortunately we have to share that our technical experts advise that the optimal response is to plan on the basis of an urgent maintenance programme being undertaken at the House – starting in September 2023 - and effectively taking the House out of operation for two academic years
- The local authority is mindful that whilst we are facing an emergency scenario, we need to plan well ahead to ensure that families have clarity on the support that we can offer, and that SEN Caseworkers, school management, and staff have a degree of planning certainty (even if the implications are not what we would have wanted)
- As a result we are planning on the basis that the House will need to be out of action for two years to provide a window to undertake the remedial works
- That decision is informed by the judgement that we can work effectively to secure appropriate alternative placements for the two young people who would have otherwise been in residential provision next year
- The implications of this are that we need to pause residential provision for a period of two years through 2023-24 and 2024-25

#### Background / Rationale 3

- We need to share that the estimates of the cost of the heating and drainage programme are estimated as being between £4 million and £5 million, so that the

local authority is having to consider the optimal plan for ensuring the long-term continuity of Welburn Hall

- All of our planning is in the context of Welburn Hall school being a highly valued part of our special school capacity across the County, delivering high quality outcomes – which we see as integral to our future capacity needs

#### Background Context 4

- Therefore, the local authority agreed via a meeting of its executive on December 13<sup>th</sup> to :-
  - - consult on the principle of pausing residential provision from September 2023 for a period of two academic years
  - - secure permission to proceed with a planning application to install temporary accommodation at the school site to provide spaces to support the curricular delivery and dining activities that take place in the House The consultation process regarding the proposal to temporarily discontinue residential provision will begin at the start of the Spring term – and your views, alongside those of all Welburn staff and pupils and their families will be particularly welcomed within that process

#### Wider Implications

- The proposal to pause residential provision will have very significant implications for the cohort of residential staff at the school – and the School Governing Body will commence shortly an HR Consultation process with the specific group of staff impacted by these changes
- We will work intensively to identify alternative placement arrangements for any young people impacted upon by the pausing of the residential offer
- We would want to emphasise that Welburn Hall school remains an integral part of our Special school provision in the County
- However, whilst our desire is to retain residential capacity – at this stage we cannot readily say the capital resources required to update the House are available – and further work is being undertaken to assess the optimal and deliverable future options for residential provision.

#### Consultation responses

The closing date for responses is **31 January 2023**

Your views are important – please respond to the consultation

Consultees were then invited to ask questions.

A consultee asked what will be put in place for the two young people at the school who would still require residential care in September?

Martin replied that the SEN casework team are working with the families concerned and Health and Adult Services colleagues. The potential progression pathway for the young people would involve another placement after Welburn Hall and it is being investigated if these placements can be brought forward. Any interim transition would be avoided where possible.

A consultee said that the council was planning originally for a larger 52 week provision. The school only had 11 students currently in residence. What would happen with the cohort that the school was going to supply the need for?

Martin replied that the plan for residential provision at Welburn Hall, following consultation, was for a cohort of 12 young people in a 52 week provision. Traditionally the school had had a cohort of around 25 young people, and they were managing the transition from 25 to 12 young people with higher and more complex needs than the school traditionally worked with, and who might otherwise have required provision in an independent residential special school. There will still be that need. In the interim it will be necessary to meet that need for places in the independent sector where the need emerges.

A consultee asked about applicants for residential provision at the school for September this year?

Martin replied that as eligibility for residential provision at the school had changed there was no longer a cohort of young people waiting for transition to residential provision. It was anticipated that there would usually be a maximum intake of two to three young people per year. At this stage there was no one identified for September. The old admission route into residential provision had been discontinued, and there was now a very high level of need assessment.

A consultee said that they were attending as a parent who was thinking of requesting a place for their son at the school for September 24. She wondered where the proposal would leave them. She asked if there was any option for day placements to transfer when work had been done? Could they still consider Welburn Hall or would they need to look elsewhere?

Martin replied that there would need to be further discussions, outside this meeting, to clarify what the child's specific needs were and what Welburn Hall could offer. It was being proposed that residential provision would not be available at Welburn Hall from September 2023. Day places would be open if the school could meet the needs of the child. If it was the view of the SEN casework team that the child needed residential provision, then options would be explored. He would provide the parent's contact details to a member of the SEN team who would be in touch with her.

**Note** :- the team have been in contact with the parent and will continue to explore options for future placements

A consultee asked if there would be some support for families that would potentially have been at Welburn Hall this coming year?

Martin replied that where the SEN casework team identifies that residential provision is required to meet the child's needs they will have to explore a more limited range of options. With these proposals, residential provision would not be available until September 2025 at the earliest at Welburn Hall.

A consultee noted at Welburn Hall there was a very highly skilled staff providing brilliant care. Is there a risk that staff may be lost with the interim break in residential provision?

Martin replied that the County Council see the staff at Welburn Hall as an asset for the school and also for the care and support community across North Yorkshire. Briefing sessions took place with the residential care staff immediately prior to the proposals going public.. There is a risk that will have to be mitigated. The school will commence a consultation with staff will start immediately after February half term. If staff are at risk they will look at redeployment opportunities within CYPS.

A consultee asked if there was any consideration of increasing provision in alternative areas to bridge the gap for two years?

Martin replied that they had looked at alternative options but there was only one other residential special school in North Yorkshire at Brompton Hall. This served a different cohort of young people and the council had consulted and agreed to remove residential provision from September 2024 at that school. They will keep exploring alternative options but there is likely to be an increased use of independent provision over the next two years.

It was asked which independent provision would the Council look at increasing if necessary?

Martin replied that the County Council used a wide range of independent providers across the county which depended on the specific needs of individual children.

A consultee said that they felt that there was a lack of clarity and understanding about what the future may hold. This didn't bode well for confidence in where the school was going. How quickly can the relevant decisions be made on the future?

Martin replied that they were keeping everyone informed where they were in the decision-making process. They were moving as quickly as they could with a long-term strategic solution. He hoped that by May/June there would be proposals on what that might be. They were talking closely with the school governing body and colleagues. The Council had bid to the DfE school rebuilding programme for Welburn Hall but this had not been successful. They would keep lobbying.

The consultee replied that it was difficult to understand the future pathways which affected the school's ability to plan, did not help security and confidence and left people unsure on the decision-making process. More information would be helpful as and when they were able to share it. The head teacher had proposed a presentation in September for future pathways for residents without understanding the difficulties in the building. The credibility of information was doubted if people couldn't see a logical pathway.

Martin replied that they were working with the school and government body to try to provide as much clarity as possible and that there would be an ongoing dialogue.

A consultee said there they appreciated there was no certainty on funding of the work proposed - what if the funding was not agreed?

Martin replied that that may mean residential provision may not be able to be offered from Welburn Hall.

It was asked if the council would have to find an alternative venue?

Martin replied that it would be necessary to find an alternative venue or rely more on the independent sector on an ongoing basis.

Consultees were thanked for attending and the meeting closed at 6:40 PM.



Written consultation responses received

**Response 1:** - Why did the local authority not know about these works before?

**Feedback to Response 1:** - The County Council has worked with Welburn Hall School to manage maintenance issues, including in respect of the heating system. A recent leak to the heating pipework demonstrated the extent to which it is corroded and at risk of further leaks / failure. Unfortunately the heating system within the main hall (House) is complex with much of the infrastructure being contained in ducts that are not easily accessible. This means that if a leak were to occur in some areas then repairs would not be able to be completed easily and the School would be at risk of closure for, potentially, extended periods.

The recommendations that have been made, therefore, represent an appropriate solution to address the risk of unexpected disruption to teaching within the School.

**Response 2:** - I agree to the be work being done as long as boarding provision is resumed as soon as possible.

**Feedback to response 2:** - Thank you for your response. We have noted that you have expressed a strong desire to see the County Council resume boarding provision at Welburn Hall at the earliest opportunity.

**Response 3:** - I notice that you do not mention anything about the staff, many who will be losing their jobs, some of them having worked for years.

**Feedback to response 3:** - Thank you for your response. In developing these proposals and considering the overall implications for the school community, we have been very mindful of the implications for the residential care staff. We have discussed with the staff group that the school will commence a consultation process in February which will focus specifically upon the implications for that staff group - but this consultation is focused upon the specific implications for the offer to families.

**Response 4:** - The maintenance work is clearly a much needed requirement for housing complex needs students in the future and will ensure the smooth running of the facility, hopefully for the foreseeable future, however it will have a huge negative impact on not only the boarding students, but the more complex students currently at Welburn as three classrooms within the house will have to be relocated to less suitable classrooms for a period of two years. Would a partial closure be possible in order to keep some students in their current rooms and with the facilities needed? Students would obviously have to vacate their classrooms for a period of time whilst work is being carried out in there.

**Feedback to Response 4:** - Thank you for your response. In the first instance I would like to reassure you that the temporary classroom units that will be sourced are modern, and their design offer good sized spaces and excellent learning environments - which we are confident will be regarded as being at least as effective as the existing classroom spaces both within the House and across the site at Welburn Hall.

In relation to your question about partial access to the House building during the programme of works, we appreciate that there are a number of benefits to the school

having such access, but at this stage we need a more detailed planned programme of works to evaluate what is feasible and when we have that detailed programme, we will discuss more fully with school leaders.

**Response 5:** - No

**Feedback to response 5:** - Thank you for your feedback, which will be factored into the report to the County Council Executive

**Response 6:** - The loss of the house over a two-year period will have a huge knock on affect to the day to day running of the school. The house is so much more than a dining room, kitchen, classroom and residential facility. All the rooms in the house are used as break out space, tv areas, games rooms, reception, meeting rooms, kitchenettes for living skills, specialist toileting facilities and a fabulous sensory room. Please take into account all these essential provisions when you close the house. The provision of four temporary classrooms just won't be enough even though it appears only being a loss of three current classrooms. Our wonderful students require areas away from the classroom to eat, spend safe break times, have quiet areas for sensory issues, the use of a sensory room, a games room for socialising and safe break area and a living skill learning area. Four temporary classrooms just won't be enough. Temporary classrooms need to have secure gated surroundings to ensure the students safety. Car parking also needs revising as half the school team park currently at the house. when the project is finished, I'm sure it will be a future asset, but we need to seriously think of the current students' needs over the next two years.

**Feedback to Response 6:** - Thank you for your comments and you have raised a number of important issues which we will attempt to address individually.

We do recognise the breadth of activity that currently takes place within the House and that whilst the temporary classrooms that we are arranging to place on site will provide excellent learning environments for pupils, we understand that this will not fully replicate the areas needed to support the activities you describe. We will continue to work with the school leadership to explore solutions to these challenges, including investigating whether there is scope to make some limited use of the House building.

We recognise your comments about the safety of pupils and would want to assure you that the local authority "temporary provision" arrangements are not just about installing temporary classroom units and will also include minor works to ensure that there is secure access to the school site and that reception arrangements can work on a streamlined basis with appropriate regard to pupil safeguarding.

Finally, we have registered the importance of having sufficient staff parking spaces, and our planning application does include provision to install temporary parking bays on the school site.

**Response 7:** - The proposal is very disappointing but I can't see any other way to do this. The safety of the staff and children is absolutely paramount.

**Feedback to response 7:** - Thank you for your comments - which have been noted

**Response 8:** - The house currently provides various services to the school, not just residential provision. Space needs to be provided for a sensory room, meeting and therapy spaces, games room, storage space etc. Practical and emotional support needs to be provided for those staff being made redundant. The proposed use of the school hall for lunches needs to be replaced by a similar size space, as the hall is currently used over lunchtimes for clubs and social space; an alternative need to be provided. Are the grounds around the house and parking at the house going to continue to be available? If not, alternative parking needs to be provided for staff and visitors. Support needs to be given for families who may need to find alternative placements for their young people if Welburn Hall no longer meets need, due to removal of residential provision. The SLT team needs to be restructured to reflect the proposed removal of the residential manager role. This role is currently a pivotal one. A safeguarding/deputy head role would be highly desirable to support the education team.

**Feedback to response 8:** - Thank you for your comments and you have raised a number of important issues which we will attempt to address individually

We do recognise the breadth of activity that currently takes place within the House and that whilst the temporary classrooms that we are arranging to place on site will provide excellent learning environments for pupils, we understand that this will not fully replicate the areas needed to support the activities you describe. We will continue to work with the school leadership to explore solutions to these challenges.

At this stage it is not possible to provide a definitive answer on your question regarding the grounds. We are anticipating a detailed programme of works which will define the extent to which the House building and surrounding grounds need to be taken out of circulation and for what periods of time, and when we receive that programme, we will work closely with the school leadership to discuss the specific implications for the school operation and possible mitigations.

However, we have registered the importance of having sufficient staff parking spaces, and our planning application does include provision to install temporary parking bays on the school site.

We are very mindful of the issue of securing appropriate alternative placements that deliver effective support for young people who would otherwise have been in residential provision at Welburn Hall. We can confirm that there are only two young people on the current roll who would have continued their residential placement into the 23/24 academic year, and we are working intensively to identify high quality alternative arrangements.

We have noted your comments that's you consider it would be opportune to review the management structure at the school in the light of the developments set out in the consultation response. However, these issues are a matter for the School Governing Body to consider.

**Response 9:** - I do object to the two closures of residential status of Welburn. This will have a huge impact on the SEN children/students.

**Feedback to Response 9:** - Thank you for your response. We do recognise that the proposal will mean that residential provision at Welburn Hall is not available for a period of two years. As outlined in our proposal we will work intensively with families to ensure that all young people who would otherwise have had their needs through residential provision at Welburn Hall have appropriate provision put in place.

**Response 10:** - Welburn Hall has been a residential school for a long time. The result of it being residential to the pupils is the fact of their independence going forward. The skills pupils learn when in a residential environment cannot be taught in school time. They learn how to interact with each other in a relaxed environment, to laugh and play. Skills they can develop in the evenings. To lose the residential side of school is such a big loss to the community of special needs children. Please ensure that Welburn WILL reopen to residential as soon as possible.

**Feedback to Response 10:** - Thank you for your comments.

We have noted your comments about the impact that the residential offer can provide to young people, and we would want to emphasise that prior to the critical buildings condition report, we had recently consulted upon the revision to the residential offer at Welburn Hall (during 2021) and concluded that we wanted to retain that provision because of those benefits it can provide to young people.

Also, we would want to emphasise that the unique nature of the Welburn Hall environment is recognised by the local authority, alongside the scope it provides to offer a wide range of enrichment activities for pupils attending both on a day provision and residential basis, and that will be an important element of our assessment of the optimal long-term strategic future for the school.

**Response 11:** - The health and safety of the whole school community is paramount and so understand the need for the works to take place. My main concern that the existing facilities and temporary buildings will meet the needs of the students who attend. For example ramps and enough disabled changing facilities. Life skills is an important part of the curriculum will the temporary buildings be able to facilitate this?

**Feedback to Response 11:** - Thank you for your comments

We do recognise the breadth of activity that currently takes place within the House and that whilst the temporary classrooms that we are arranging to place on site will provide excellent learning environments for pupils, we understand that this will not fully replicate the areas needed to support the activities you describe. We will continue to work with the school leadership to explore solutions to these challenges.

Specifically in terms of access for students with disabilities, this will be a fundamental consideration for us and the school in terms of any facilities we provide.

**Response 12:** - There is a huge house which could benefit so many special needs students. The main restraints felt by all special schools is space so in order to offer families more options for residential and wrap round care, this provision is absolutely crucial. There just isn't anywhere with the space, staff and provision that this house could offer anywhere else in the area [and many other areas].

**Feedback to Response 12:** - Thank you for your comments. The unique nature of the Welburn Hall environment is recognised by the local authority, alongside the scope it provides to offer a wide range of enrichment activities for pupils attending both on a day provision and residential basis. There is potentially a trade-off that with the unique environment that a historic house building can offer, there comes the potential liabilities of expensive running costs and repairs implications. However, the benefits that you have discussed will be factored into the local authority evaluation of the strategic options.

**Response 13:** - I can understand the difficulties of trying to maintain a listed building with massive grounds and ancient heating systems. The environment at Welburn looks a very calm setting which looks well positioned to service vulnerable young people from central and eastern sector of an enormous county council. I can't believe that the Council or School managers would be able to meet the council's budget for heating, lighting and maintenance let alone working towards environmental targets even after the building's heating system is replaced. I would have thought that the amalgamation of the district councils into a unitary council would have released property from the estate that would be more cost effective to convert to residential standards without the restrictions of listed building status. If these young people have a need to be educated and cared for in a residential setting then I am anticipating that these N Yorks young people will have to be provided for outside the county and that this may have long term higher costs, and impact some families that are already under pressure. I have read the report of the education and care provision at Welburn Hall and am impressed that it has gained accreditation from the Autism Society and has a skilled and dedicated team of staff that are getting results and are judged as good and improving. The costs of making these valuable staff redundant is dead money and when the pause of residential provision has ended, and a building is in place the staff won't be. I am not sure what the council can do with such a building and grounds in the longer term as I know the likes of North Yorkshire Police have sold off their HQ as it didn't fit in to their modern-day estate. I am also aware a number of North Yorkshire buildings in Northallerton remain closed up. I do know that the special needs of young people are important and a statutory duty.

**Feedback to Response 13:** - Thank you for your comments

The issues you have flagged about the potential future performance of the buildings following any works programme, and the need to evaluate alternative buildings have been noted and will form an integral part of our evaluation of future long-term strategic options.

In addition, your comments regarding the skills and expertise of the current care staff cohort and how they contribute to the excellent outcomes at the school have been noted and will be a very important consideration for the local authority.

**Response 14:** - I think this is a good idea and should go ahead

**Feedback to Response 14:** - Thank you for your comments which have been noted and will be included in the report to the Executive at the end of the consultation process

**Response 15:** - As well as the 3 formal classrooms, the house is also used for other educational purposes during the school day. The Internet Café and kitchen is regularly used as a teaching space and at lunchtimes. The Games Room and entrance area are used at breaks, particularly in winter and wet weather - and also as calming/recreation/meeting areas. The laundry room is used for storage of work clothes, boots and spare uniform. Extra provision should be made for these functions. The house and dining hall also provide a valuable welcoming and psychological space for the students which needs to be accounted for in temporary provision. To avoid or reduce compulsory redundancy, NYCC could offer voluntary redundancy terms to include education staff, creating vacancies to allow redeployment for care staff to education roles (teaching assistants) on similar pay levels, which require similar skills and qualifications. A number of staff have successfully switched from care to education jobs.

**Feedback to Response 15:** - Thank you for your comments.

We do recognise the breadth of activity that currently takes place within the House and that whilst the temporary classrooms that we are arranging to place on site will provide excellent learning environments for pupils, we understand that this will not fully replicate the areas needed to support the activities you describe. We will continue to work with the school leadership to explore solutions to these challenges. The Local Authority and the Governing Body of the School are committed to exploring all redeployment opportunities and minimising compulsory redundancy as far as possible.

**Response 16:** - I do hope this temporary removal of the boarding facility will only be temporary and not a cynical exercise to take the boarding away forever

**Feedback to Response 16:** - Thank you for your comments.

We have noted your comments about the impact that the residential offer can provide to young people, and we would want to emphasise that prior to the critical buildings condition report, we had recently consulted upon the revision to the residential offer at Welburn Hall (during 2021) and concluded that we wanted to retain that provision because of those benefits it can provide to young people. Also, we would want to emphasise that the unique nature of the Welburn Hall environment is recognised by the local authority, alongside the scope it provides to offer a wide range of enrichment activities for pupils attending both on a day provision and residential basis, and that will be an important element of our assessment of the optimal long-term strategic future for the school.

**Response 17:** - We have concerns over the due diligence on the part of the LA. Nearly £300k of work was carried out and great hope amongst staff of a new start, buying into the new plan. We assumed there'd be new job opportunities over the weekend. Felt that the future of the school was assured. Within the current economic climate and the general lack of funding for SEND, are the LA in a financial position to be able to carry out these works or is this not in danger of becoming an issue of school having to close on this site or operate with substandard buildings for a number of years. We have been told that the temporary classrooms will be in place but for our children, we struggle to see how these buildings will be an adequate replacement for what the House provides. We would strongly urge the LA to allow the HT to keep the House open as long as possible until it's a building site. We are very concerned about parking and logistics for Sept 23. The House contains many heavy and large resources, and we are not privy to what the plans might be for these to be stored/used? We have concerns that if the information about the House heating system wasn't known to County, can we be sure that the condition of the school systems are any better? And if not, would that condemn the whole site? What is the contingency plan? We have very serious concerns about the students going into the mobiles, not having break out spaces such as exist indoors in the House. We are concerned about feeding over 100+ students in the Assembly Hall. We will definitely need significant storage spaces and we are concerned that County may overlook the fact that our students can't just use mainstream tables or facilities. We are a very popular school in a unique geographic location in the middle of NYCC and strongly urge that County consider the success of the school including the AP which has 100% customer satisfaction and the excellent Ofsted reports detailing the quality of education. we would hate to see such a unique setting closed or left to ruin due to finances, when it could be invested in and made a centre for SEND for whole county.

**Feedback to Response 17:** - Thank you for your feedback and we will respond to all of the issues you have raised.

Firstly, we understand that the school has invested resources in developing facilities in the Main House in recent years. Unfortunately, the concerns over the heating system only became apparent in Summer 2022 because a recent leak to the heating pipework demonstrated the extent to which it is corroded and at risk of further leaks / failure. The heating system within the main hall is complex with much of the infrastructure being contained in ducts that are not easily accessible. This means that if a leak were to occur in some areas, then repairs would not be able to be completed easily and the School would be at risk of closure for, potentially, extended periods.

The local authority had had recently consulted upon the revision to the residential offer at Welburn Hall (during 2021) and concluded that we wanted to retain that provision (albeit with a revision to the designated offer) because of those benefits it can provide to young people. That plan would have remained in place, were it not for the significant work required to the House building which has necessitated these proposals.

The work programme being constructed is intended to address the identified difficulties with both the heating and drainage at the school. There is no evidence

that the heating problems associated with the House all apply to the main school buildings.

In terms of the challenges regarding the longer-term sustainability of the school, the local authority is committed to maintaining Welburn Hall school as an integral part of its specialist provision offer in the County (reflecting your comments about the strength of the school in supporting increased numbers of pupils and delivering high quality outcomes for pupils). However, the evaluation of longer-term strategic options will be required to determine the optimal future location for the school and the breadth of the offer we can put in place.

We are mindful of both the breadth of activity currently taking place in the House and the resources that need to be relocated from the school and are evaluating the extent to which this activity can be replicated in the interim period – which will also be dependent upon the technical advice received about the extent to which the House will need to be out of action during the works programme.

The interim arrangements will include specific arrangements to mitigate the impact of the temporary classroom facilities reducing the availability of car parking spaces.

**Response 18:** - My child has been at Welburn Hall since being in Primary age group, and is now moving into 6th Form. Throughout this time, there has been a gradual removal of a boarding offer, along with a shorter school day. My child and many other students have no other social contacts beyond school, they are unable to access Scouts, youth clubs, sports clubs and other social clubs in their own communities. The short school day is everything to them. The removal of the boarding sounds inevitable and perhaps unavoidable, so perhaps you need to consider putting compensatory experiences in place. This should be done in further consultation with the families involved, and could include some extended days within school, to learn to enjoy casual social activities, or regular overnight stays, perhaps at Peat Rigg or Youth Hostels around our region. I'm sure other people will be able to come up with many more suggestions of how the loss of the residential opportunity can be compensated for. I am generally supportive of Welburn Hall being the place to offer boarding for the students that are currently boarding out of County at a vast expense. However, some of the savings made, should be allocated to providing continued casual boarding experiences for the students who would have been the boarders in previous years. I have not been able to attend the virtual meetings, as the invitation arrived after the first date, and I was busy on the second date. Is there a recorded version of any of the meetings that I would be able to watch or listen to?

**Feedback to Response 18:** -Thank you for your response. Over recent years we have reviewed the residential provision across the county including the previous offer at Welburn Hall School. Having considered the options, it was approved by the councils Executive to change the existing offer so that it was targeted to those with a fully assessed social care need for residential provision. This change was planned to allow existing students in residential provision to continue and leave as planned in the Summer 2023. Following this period, the proposed model would have meant that it was no longer the case that all children on roll at the school would automatically



continue into residential post 16 provision unless they had an assessed need for the residential element of the provision.

Whilst we recognise that this proposal will be disappointing for some members of the school community the proposal to suspend residential provision for a planned period has been developed to mitigate, as much as possible, a future failure of the heating that would initiate mid-year disruption for young people. The local authority will continue to work with families and meet their assessed education and care needs.

We do not have a recorded version of the public meetings – but the presentation delivered at the meetings and the questions raised by members of the public in attendance will be incorporated in the report to Executive.

Welburn Hall Governing Body Response  
**Draft Response to NYCC Consultation on Temporary Closure**

## **Background**

The Governing Body have been struggling with the maintenance of this grade two, listed building for at least four years and have consistently pointed out to NYCC that the income does not provide sufficient resources for the maintenance and running costs of the building, a fact which shows up clearly in benchmarking against comparable schools.

We have also pointed out that there was no clarity for most of that time over the school's place in the SEND strategy, leading to difficulty in our future planning for the school.

We acknowledge that, since local authority review, this has been recognized and a good working relationship has been established with the officers appointed to assist us in the development of strategy, plans for the future of the school and to bring about a sustainable funding situation. Unfortunately the discovery of the structural problems has prevented us from carrying that forward.

## **Our Vision**

Our vision has been to build upon the strengths of the school and its current staff, recognized by Ofsted as good both in educational and residential provision. We aim to maximize the opportunities that this site and our experienced personnel give us, both for our own students and parents, but also for potential outreach work with other schools.

Our plans for the future had been (and we hope still can be):

- To build on what we call The College Provision, that is sixth form work which develops students' skills for independent living and has recognised success in getting pupils into appropriate employment or further education. This provision is vital to prepare students for adulthood and to enable them to become confident, resourceful and independent young people. We seek to reduce their dependence on others and to increase their future choices and opportunities.
- To expand the number of our pupils on roll to a viable level, which has already meant that we have currently expanded by about 25%, building upon the strengths of our leadership and staff in developing cognitive skills, understanding and managing behaviour and meeting the needs of pupils with autism and with Social Emotional and Mental Health issues. This is in line with the projected needs of the Local Authority for places in the coming years. We have already developed Alternative provision which supports the latter group of students with SEMH through our farm, which is also providing support to pupils in mainstream schools. We seek to extend this provision further. We would also look to the provision of outreach support from our experienced staff to mainstream schools in developing their response to cognitive difficulties, behavioural issues, autism and SEMH within their

schools. This would help to increase inclusion opportunities for young people with diverse needs in mainstream schools. Finally we recognized that the NYCC sends many pupils with high needs to provision outside the authority area at inflated costs. We had planned with NYCC officers to provide locally for 12 ambulant pupils with high needs who would otherwise be sent out of the county and had already begun the development of the Hall for that cohort. We still think that would be best for the parents and children as well as economically advantageous for ourselves and the local authority and would hope that proposal can be carried forward in the future. It is of course the latter which is at risk from the temporary closure. The day pupils who were taught in the Hall will have temporary accommodation provided under the proposals being consulted on.

### **Governors Response to the Consultation**

Governors accept the need for a temporary halt to the residential provision for the new cohort of pupils because of the high risk of asbestos and disruption and noise if the heating system is indeed to be replaced. Although we have not seen any costings in relation to alternative heating systems, we accept that the officers responsible were clear that any alternative system would entail high level of disruption too.

We are aware that this option is still not fully costed or certain and that the local authority has to consider other options. The temporary halt to residential provision and its prompt reinstatement as soon as the work has been completed is **our preferred option** since the site contributes so much to the ethos and special character of the school and provides enormous opportunities for the future development of the school, including its' Alternative Provision. This option would also support the longer term future of the residential provision, which we have the expertise to provide and which is so needed in the area.

Other options:

- **The relocation of the school to another building within the local authority.**

This could mean a more modern, more energy efficient building. However it would be a different school if situated elsewhere and likely to be further away for its current cohort of pupils. It would also likely not have the superb opportunities currently available on the site for our Alternative Provision and for further future developments. The Management of transition to another site would be as challenging, if not more so, than the closure for two years and would affect all pupils, parents and staff.

- **Mothballing the Hall and building somewhere else on the site**

It was said that using for example the West Lawn was not viable but our neighbours would seem to have no objection and felt other local development suggested would be possible. It would seem this could be investigated further. However governors do not like the idea of a permanently mothballed hall building which would still need some maintenance to prevent it becoming unsafe. This would be unlikely to find approval with neighbours. A solution for the future of the hall would still need to be found in the long term.

**The preferred option of the Governing Body is the continuation and development of the school on the current site** and we are committed to making that as viable as possible. We

need commitment to this as soon as possible and there will need to be, within that commitment, a recognition that the unique and valuable opportunities that come with this site for our pupils may not be entirely able to pay for themselves, even with maximum development and that some of the additional costs of such a site need to be partly funded centrally.

We also need the Local Authority to recognise a need to 'invest to save' i.e. to recognise that a greater spend now may save authority funding in the long-term future. While the cost of repairs to heating and drainage at Welburn Hall are great, they will over time prove to be less than the cost of sending children out of county to very costly, independent residential provision. The continued development of Welburn Hall will enable North Yorkshire students with complex needs to have these needs met effectively and more locally. The costs of such future provision by NYCC need to be carefully considered as part of the overall decision making.

We also feel that there is an opportunity for further dialogue and joint planning by the Local Authority and the Department for Education with regard to the future development of Welburn Hall School. Welburn Hall is a successful and highly effective school, but could be even more successful and effective with improved accommodation and provision. We recognise that the Local Authority alone does not have the funding to provide this, but inclusion in national school building developments and initiatives for the future could help facilitate such developments. While a recent bid by the Local Authority did not meet with success, we believe that continued efforts should be made in this area.

Alan Payne  
Co-Chair of Governors

## APPENDIX B: Statutory notice

### NORTH YORKSHIRE COUNTY COUNCIL

#### Welburn Hall 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 8AD, intends to make prescribed alterations to Welburn Hall (Community Special) School, Kirkbymoorside, York, North Yorkshire, YO62 7HQ.

These proposals are to remove residential (boarding) provision at Welburn Hall School from 1 September 2023 for a period of up to two years.

Copies of the complete proposals can be obtained from Strategic Planning - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AD and are available on the County Council's website at <https://www.northyorks.gov.uk/current-consultations>

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Strategic Planning - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AD, or by emailing [schoolorganisation@northyorks.gov.uk](mailto:schoolorganisation@northyorks.gov.uk) by 5pm on 22 March 2023.

Signed: B. Khan  
Assistant Chief Executive  
(Legal and Democratic  
Services)  
Publication Date: 22 February 2023



Department  
for Education

# **Making significant changes (‘prescribed alterations’) to maintained schools**

**Statutory guidance for proposers and  
decision makers**

**January 2023**

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# Summary

## About this guidance

This is from the Department for Education. It only relates to schools in England.

This means that local authorities, governing bodies and the Schools Adjudicator must have regard to this guidance<sup>1</sup> when exercising functions under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, referred to in this guidance as the Prescribed Alterations Regulations<sup>2</sup>. This means that they must follow this guidance unless there is a good reason not to. It applies to all categories of maintained schools unless explicitly stated. A maintained school means a community, foundation or voluntary school; a community or foundation special school; or a maintained nursery school. This guidance is not relevant to [pupil referral units](#)<sup>3</sup>. Separate advice on [making significant changes to an academy](#)<sup>4</sup> and [opening and closing a maintained school](#)<sup>5</sup> is available.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented effectively where there is a strong case for doing so. It is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

Local authorities and governing bodies need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance. It is the responsibility of local authorities and governing bodies to ensure that they act in accordance with the [relevant legislation](#). If they are unsure of how the legislation applies to the individual circumstances of their case, they should consider seeking independent legal advice as the department cannot advise on individual cases.

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<sup>1</sup> [Regulation 7 of the Prescribed Alterations Regulations](#)

<sup>2</sup> <https://www.legislation.gov.uk/ukxi/2013/3110/contents/made>.

<sup>3</sup> <https://www.gov.uk/government/publications/alternative-provision>.

<sup>4</sup> <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>.

<sup>5</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

## Expiry or review date

This guidance supersedes all previous versions. It will be kept under review and updated versions will be published if necessary.

## What legislation does this guidance refer to?

This guidance primarily relates to:

- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

For a full list please see the [relevant departmental advice and statutory guidance](#) section.

## Who is this guidance for?

This guidance is for:

- Proposers and decision makers (local authorities, governing bodies and the Schools Adjudicator)
- For information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

## Terminology

Definitions of common terms used in this guidance:

- **Schools with a religious character** – All schools designated as having a religious character in accordance with the [School Standards and Framework Act 1998](#)<sup>6</sup> ('SSFA').
- **Foundation trust** – For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.
- **Parent(s)** – A parent should be considered to be whoever has parental responsibility, including parents, carers and legal guardians.

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<sup>6</sup> <https://www.legislation.gov.uk/ukpga/1998/31/contents>.

## Main points

Where a local authority proposes to expand a school that is eligible for intervention<sup>7</sup>, they should copy the proposal to the relevant Department for Education [Regional Director](#)<sup>8</sup> (RD) at the point of publication.

To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in the [contentious proposals](#) section below, to the School Organisation mailbox as soon as it is published [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

Local authorities and governing bodies proposing to make significant changes to a school which has been designated as having a religious character should engage any trustees of the school<sup>9</sup>, and in the case of Church schools the diocese or relevant diocesan board, or any other relevant faith body where appropriate, at the earliest opportunity.

Where the school occupies land held by a charitable trust, trustees should always be consulted on whether any proposed alterations to a school are compatible with the terms of the trust.

Where a local authority is the decision maker, it must make a decision within a period of 2 months of the end of the representation period. Where a decision is not made within this time frame, the local authority must refer the proposal to the Schools Adjudicator for a decision.

Where neighbouring local authority areas are likely to be impacted by proposals, the proposer should ensure they are included in the process. Where a governing body is the proposer, they should ensure the home local authority has been involved in the process at an early stage.

It is not possible for any school to gain, lose or change a religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#)<sup>10</sup>.

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<sup>7</sup> [Section 59\(2\) of the Education and Inspections Act 2006](#).

<sup>8</sup> <https://www.gov.uk/government/organisations/regional-department-for-education-dfe-directors/about>.

<sup>9</sup> Although the term trustee is usually used in the department's documents to refer to those who sit on the board of directors of an academy trust, trustees in this document means any person (other than the governing body) holding property on trust for the purpose of the school. In the case of schools designated as having a religious character, this could be the Church of England, the Catholic Church or any other religious body.

<sup>10</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

Once a decision has been made the proposer (governing body or local authority) must make changes to the school's record in the department's system [Get Information About Schools](#)<sup>11</sup> (GIAS) within one week of the change being implemented.

Where a school wishes to change their name, the governing body will need to amend the instrument of government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#)<sup>12</sup>. Once that is done, either the school or the local authority will need to update the school record in the department's GIAS system.

Smaller changes that do not meet the thresholds set out in the relevant sections below do not need to follow the [prescribed alterations' statutory process](#). Nevertheless, proposers should adhere to the usual principles of public law, see the [changes that can be made outside of the statutory process](#) section.

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<sup>11</sup> <https://get-information-schools.service.gov.uk>.

<sup>12</sup> <http://www.legislation.gov.uk/uksi/2012/1034/contents/made>.

# Prescribed alteration changes

## Enlargement of premises (expansion)

This section applies to mainstream schools. Details of how [special schools can increase their intake](#)<sup>13</sup> are covered below.

Under section 14 of the [Education Act 1996](#)<sup>14</sup>, local authorities have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects local authorities to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. Local authorities are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the local authority can propose an enlargement of the capacity<sup>15</sup> of premises.

The [prescribed alterations' statutory process](#) must be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#)<sup>16</sup> if:

- the proposed enlargement is permanent (longer than 3 years) and **would increase the capacity of the school** by:
  - more than 30 pupils; **and**
  - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than 3 years) that meets the above threshold.

Small scale expansions that do not meet the thresholds above do not need to follow the formal statutory process [below](#). Furthermore, in many cases, small increases in the

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<sup>13</sup> The number of pupils admitted into the school at a particular time.

<sup>14</sup> <https://www.legislation.gov.uk/ukpga/1996/56/contents>.

<sup>15</sup> Net capacity as calculated using the department's Guidance Assessing the Net Capacity of Schools which can be found [assessing the net capacity of schools.pdf \(nationalarchives.gov.uk\)](#), and read in conjunction with the [School capacity survey: guide for local authorities - GOV.UK \(www.gov.uk\)](#).

<sup>16</sup> <https://www.legislation.gov.uk/uksi/2014/3110/contents/made>.

number of places can be achieved solely by increasing the school's published admissions number<sup>17</sup> (PAN); please see the [School Admissions Code](#)<sup>18</sup>.

## Examples of when you would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry – 30 pupils per class, 5 year groups) **could** enlarge its premises to bring the capacity to 900 pupils, creating space that would allow the addition of one form of entry (30 extra pupils x 5 year groups = increase of 150 pupils), **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' and '200' (it may or may not be more than '25%' but that is irrelevant as the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry  $45 \times 7 = 315$ ), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

## The quality of new places created through expansion

We expect local authorities to consider a range of performance indicators and financial data before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect local authorities to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the local authority should notify their Pupil Place Planning adviser<sup>19</sup>. In cases where there is a proposal to expand a

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<sup>17</sup> All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN for Year 7.

<sup>18</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>.

<sup>19</sup> [Advisers.PPP@education.gov.uk](mailto:Advisers.PPP@education.gov.uk)

school that is rated inadequate, the local authority should also send a copy of the proposal to the relevant RD so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Enlargement of premises that meets the threshold	Statutory process	Local authority	Church of England (CofE) diocese, Roman Catholic (RC) diocese
Local authority for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 1: Enlargement of premises process**

## Expansion onto an additional site ('or satellite sites')

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a local authority decides that a new school is needed to meet basic need, they should refer to the guidance for opening new schools<sup>20</sup>.

Judgements about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site. The more integration, the more likely the change is an expansion:

- **The reasons for the expansion**

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<sup>20</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.



- What is the rationale for this approach and this particular site?
- **Admission and curriculum arrangements**
  - How will the new site be used (e.g. which age groups/pupils will it serve)?
  - What will the admission arrangements be?
  - Will there be movement of pupils between sites?
- **Governance and administration**
  - How will whole school activities be managed?
  - Will staff be employed on contracts to work on both sites? How frequently will they do so?
  - What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?
- **Physical characteristics of the school**
  - How will facilities across the 2 sites be used (e.g. sharing of the facilities and resources available at the 2 sites, such as playing fields)?
  - Is the new site in an area that is easily accessible to the community that the current school serves?

Where proposers seek to establish an additional site within another local authority area, they should consult with the local authority for that area with regards to the details of the proposal and any subsequent objections and comments on the proposed site.

Where changes are likely to impact on a neighbouring local authority's ability to effectively manage the school estate in its area, the department expects that the proposer will involve that local authority during the decision making process. An example of where another local authority area may be affected is where pupils regularly cross between the local authorities' areas to go to school.

Local authorities should copy any proposal to expand a school onto a satellite site to [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) for monitoring purposes.

## Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>21</sup>. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely

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<sup>21</sup> Except where a grammar school is replacing one or more existing grammar schools.

part of the existing school. Decision makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

## Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities<sup>22</sup> must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#)<sup>23</sup> for further details of the processes admission authorities must follow).

## Change of age range

Local authorities and governing bodies can propose the following age range changes. This section is for changes that are expected to be in place for more than 2 years (as these are considered permanent increases). Temporary changes (expected to be in place for no more than 2 years) do not require the statutory process to be followed.

**Local authorities** can propose a change of age range of one year group or more for community schools (including the adding or removal of sixth form or nursery provision) or an alteration of the upper age limit of a foundation or voluntary school to add sixth form provision by following the [prescribed alterations' statutory process](#).

**Governing bodies** of foundation and voluntary schools can propose an age range change of 3 year groups or more (including adding or removing a sixth form) by following the [prescribed alterations' statutory process](#).

Before making such a proposal, the governing body should consult with local authorities, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area. Where the school occupies land held by a charitable trust, the governing body should also consult with the trustees to ensure the terms under which the land is held do not restrict the age-range in any way.

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<sup>22</sup> The local authority in the case of community and voluntary controlled schools or the governing body in the case of voluntary aided and foundation schools.

<sup>23</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>.

**Governing bodies** of community schools can propose the alteration of their upper age limit to add sixth form provision following the [prescribed alterations' statutory process](#).

Where a proposed age range change would also require an expansion of the school's premises, the local authority or governing body must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example, if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Governing body of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Local authority for community	Alteration of upper or lower age range by one year or more, including the adding or removal of sixth form or nursery provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Alteration of upper age range so as to add sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 2: Change of age range process**

## Adding a sixth form

This section applies to mainstream schools. Details of [how special schools can add post-16 provision](#) are covered below.

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for mainstream secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education should be good or outstanding (as rated by Ofsted) and the school should have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form should provide at least 200 places;

- **Subject Breadth:** The proposed sixth form should – either directly or through partnership – offer a minimum of 15 A level subjects. Local authorities may wish to consider the benefits of delivering a broader A level curriculum through partnership arrangements with other school sixth forms. Working with others can offer opportunities to:
  - a. Improve choice and attainment for pupils;
  - b. Deliver new, improved or more integrated services;
  - c. Make efficiency savings through sharing costs;
  - d. Develop a stronger, more united voice; and
  - e. Share knowledge and information.

Schools proposing a partnership arrangement should include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form, the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore where a decision maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

## Closing an additional site

For schools that are already operating on a satellite site, proposals to close any site of the school must follow the [prescribed alterations' statutory process](#) where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed.

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Closure of one or multiple sites	Statutory process	Local authority	CofE diocese, RC diocese
Governing body for voluntary or foundation	Closure of one or multiple sites	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 3: Closure of an additional site process**

## Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than 2 miles from the main entrance of the current school site, or if the proposed new site is within the area of another local authority:

- Local authorities can propose the transfer to an entirely new site for community schools and maintained nursery schools following the [prescribed alterations' statutory process](#).
- Governing bodies of voluntary and foundation can propose a transfer to a new site following the [prescribed alterations' statutory process](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community and maintained nursery	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of voluntary foundation	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 4: Transfer to a new site process**

## Changes of category

**Governing bodies** of all categories of maintained schools, apart from governing bodies of foundation special and maintained nursery schools, may propose to change category by following the statutory process. The process for the addition or removal of a foundation is described in the [statutory process: foundation proposals](#) section below.

For a proposal to change the category of a school to voluntary aided, the decision maker should be satisfied that the governing body and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least 5 years from the date of implementation, taking into account anticipated building projects.

When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. Further information can be found in [Schedule 5 to the Prescribed Alterations Regulations](#)<sup>24</sup>.

The table below sets out who can propose a change of category and what process must be followed:

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<sup>24</sup> <https://www.legislation.gov.uk/uksi/2013/3110/schedule/5/made>.

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Governing body of voluntary	Voluntary controlled to voluntary aided, Voluntary aided to voluntary controlled	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of voluntary	Voluntary controlled or voluntary aided to foundation school	Statutory process	Governing body	For proposals at a voluntary aided school when decided by the governing body: Local authority, CofE diocese, RC diocese
Governing body of foundation	Foundation school to voluntary controlled or voluntary aided	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Community to voluntary controlled or voluntary aided <sup>25</sup>	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of community	Community to foundation school	Statutory process	Governing body	N/A

**Table 5: Changes of category process**

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<sup>25</sup> Where this change would result in a change of religious character, this would not be permitted. Instead the governing body should follow the [opening and closing maintained schools guidance](#).



The following proposals to change the category of a mainstream school are not permitted under section 18 of the [Education and Inspections Act 2006](#)<sup>26</sup>:

- from foundation or voluntary school to community school;
- from mainstream school to community special or foundation special school;
- from community special or foundation special school to mainstream school;
- from foundation special to community special;
- from maintained nursery school to any other kind of maintained school; and
- from any other kind of maintained school to maintained nursery school.

## Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) but they should be able to show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, local authorities will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#)<sup>27</sup>.

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation or voluntary	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 6: Single sex school becoming co-educational (or vice versa) process**

<sup>26</sup> <https://www.legislation.gov.uk/ukpga/2006/40/contents>.

<sup>27</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

## Boarding provision

The introduction of boarding provision may require the statutory process to be followed (depending on the type of school in question – see table below).

**Local authorities** can propose the establishment, removal or decrease by 50 pupils or 50% whichever is the greater of boarding provision for community schools by following the [prescribed alterations' statutory process](#).

**Governing bodies** of voluntary and foundation schools can propose the removal or decrease by 50 pupils or 50% whichever is the greater of boarding provision by following the [prescribed alterations' statutory process](#).

The table below sets out who can propose to add, remove or decrease boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community	Add, remove or decrease (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation or voluntary	Remove or decrease (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 7: Boarding provision process**

In making a decision on a proposal to remove or decrease boarding provision from a school, the decision maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements<sup>28</sup> and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary or foundation	Remove selective admission arrangements	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community	Remove selective admission arrangements	Statutory process	Local authority	CofE diocese, RC diocese

**Table 8: Remove selective admission arrangements at a grammar school process**

## Amalgamations

The local authority and/or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, local authorities may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#)<sup>29</sup>.

<sup>28</sup> In accordance with [s. 109\(1\) of the School Standards and Framework Act 1998](#).

<sup>29</sup> <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

## Changes to special schools and special educational needs (SEN) provision

### Change of age range at special schools

Where the proposed alteration is a permanent one that is anticipated to be in place for more than 2 years:

- **Local authorities** can propose a change of age range of one year or more for community special schools by following the [prescribed alterations' statutory process](#).
- **Governing bodies** can propose a change of age range of one year or more for foundation special schools and community special schools by following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Alteration of upper or lower age range by one year or more	Statutory process	Local authority	CofE diocese, RC diocese

Table 9: Change of age range at special schools process

## Change in number of pupils in a special school

The [School Admissions Code](#)<sup>30</sup> does not apply to special schools. For a special school, the 'number of pupils' means the maximum number of pupils the school is set up to provide for (which is not necessarily the same as the number of pupils actually attending the school).

Governing bodies and local authorities may seek to increase the number of places by following the [prescribed alterations' statutory process](#) if the increase is by:

- 10%; or
  - 20 pupils (or 5 pupils if the school is a boarding-only school),
- (whichever is the smaller number).

The exception to this is where a special school is established in a hospital. In such a circumstance, the prescribed alterations process is not applicable.

Governing bodies of both categories of maintained special school, and local authorities for community special schools, may seek to decrease the number of places, by following the [prescribed alterations' statutory process](#). As above, this does not apply to a special school established in a hospital.

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

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<sup>30</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>.

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	Local authority	Governing body/Trustees, CofE diocese, RC diocese

**Table 10: Change in number of pupils in a special school process**

## Expansion of a special school into a satellite site

In addition to the factors stated in the [expansions onto a satellite site](#) section above, where the proposal is for a special school to establish a satellite site (particularly where this involves sharing a site with a mainstream school), the decision maker may also want to consider:

- the suitability of a mainstream school, where applicable, to support the proposed provision and the practical implications of sharing a site;
- who is to be responsible for delivering the provision and for the safeguarding of the pupils; and
- how transport arrangements will be made.

## Special school transferring to a new site

Where the main entrance of the proposed new site for a school would be more than 2 miles from the main entrance of the current school site, or if the proposed new site is within the area of another local authority:

- **Local authorities** can propose the transfer to an entirely new site for community special schools by following the [prescribed alterations' statutory process](#).
- **Governing bodies** of foundation special and community special schools can propose a transfer to a new site following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese
Governing body for foundation special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body for community special	Transfer to new site	Statutory process	Local authority	CofE diocese, RC diocese

Table 11: Special school transferring to a new site process

## Removal of foundation and/or reduce majority of foundation in a special school

The process for the addition or removal of a foundation is described [below](#).

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Governing body of foundation special	Remove foundation and/or reduce majority of foundation governors on governing body	Statutory process	Governing body	N/A

**Table 12: Removal of foundation and/or reduce majority of foundation in a special school process**

### Single sex special school becoming co-educational (or vice versa)

As with mainstream schools, proposers can seek to change their school from single sex to co-educational (or vice versa) but they should be able to show that this would better serve their local community. When making a decision, local authorities will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#)<sup>31</sup>.

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Local authorities for community special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	To co-ed or single sex provision	Statutory process	Local authority	CofE diocese, RC diocese

<sup>31</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>.



**Table 13: Single sex special school becoming co-educational (or vice versa) process**

## Boarding provision in special schools

**Local authorities** can propose the establishment or removal of boarding provision for community special schools or, where the school makes provision for day and boarding pupils, the increase or decrease of boarding provision by 5 pupils or more by following the [prescribed alterations' statutory process](#).

**Governing bodies** can propose to add or remove boarding provision or, where the school makes provision for day and boarding pupils, to increase or decrease boarding provision by 5 pupils or more following the [prescribed alterations' statutory process](#).

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Local authority for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese
Governing body of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	Local authority	CofE diocese, RC diocese

**Table 14: Boarding provision in special schools process**

## Special schools adding post-16 provision

Where a special school wishes to add 16-19 provision, the guidelines set out for mainstream schools do not apply. The procedure is the same as for any other change of age range (as described above).

Schools wishing to add post-19 provision should consult: [High needs funding: due diligence process for special post-16 institutions](#)<sup>32</sup>.

## Mainstream school: establish/remove/alter SEN provision

Many mainstream schools include dedicated provision for pupils with SEN, either SEN units or resourced provision:

- SEN units are special provisions within a mainstream school where the pupils with SEN are taught within separate classes for at least half of their time.
- Resourced provision are places that are reserved at a mainstream school for pupils with a specific type of SEN, taught for at least half of their time within mainstream classes, but requiring a base and some specialist facilities around the school.

When considering any reorganisation of provision that the local authority recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers should demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

Changes might be made to add or remove a SEN unit or resourced provision or to change the type of special educational provision a SEN unit or resourced provision supports.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed. In this table, 'SEN provision' means provision which is recognised by the local authority as reserved for children with SEN and 'alter' means change the type or types of SEN provision:

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<sup>32</sup> <https://www.gov.uk/government/publications/high-needs-funding-due-diligence-process-for-new-special-post-16-providers/high-needs-funding-due-diligence-process-for-special-post-16-institutions-for-academic-year-2018-to-2019>.

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Local authority for community	Establish, remove or alter SEN provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for voluntary and foundation	Establish or remove SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of foundation and voluntary	Establish, remove or alter SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 15: Mainstream school: establish/remove/alter SEN provision process**

## Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Local authority for community special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese
Local authority for foundation special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees
Governing body of community special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Governing body of foundation special	Change type of SEN provision	Statutory process	Local authority	CofE diocese, RC diocese, Governing body/Trustees

**Table 16: Change the types of need catered for by a special school process**

## Contentious proposals

When proposing changes, local authorities and governing bodies should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, local authorities and governing bodies should notify [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

## Changes that can be made outside of the statutory process

Local authorities and governing bodies of maintained schools can make limited changes to their schools without following the statutory process, including some temporary changes (e.g. enlargement of premises anticipated to be in place for no more than 3 years, or a change of age range anticipated to be in place for no more than 2); local authorities and governing bodies are nevertheless required to adhere to the usual principles of public law. Local authorities and governing bodies MUST:

- act rationally and within their powers;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, local authorities and governing bodies will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character, the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and further education (FE) colleges as required) and other interested parties. The [consultation principles guidance](#)<sup>33</sup> can be referenced for examples of good practice.

Before making any changes, governing bodies should ensure that:

- they have consulted with the local authority to ensure the proposal is aligned with local place planning arrangements;

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<sup>33</sup> <https://www.gov.uk/government/publications/consultation-principles-guidance>.

- they have secured any necessary funding;
- they have identified suitable accommodation and sites;
- they have secured planning permission and/or agreement on the transfer of land where necessary<sup>34</sup>;
- they have the consent of the site trustees or other land owner where the land is not owned by the governing body;
- where a school is designated as having a religious character they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, as appropriate; and
- the admission authority is content for the PAN to be changed where this forms part of expansion plans, in accordance with the [School Admissions Code](#)<sup>35</sup>.

Once a decision on the change has been made, the change should be recorded in the department's [GIAS](#)<sup>36</sup> system. These changes should be made within a week of the date of implementation of the change and can be input in advance, once a decision is made.

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<sup>34</sup> Including, where necessary, approval from the Secretary of State for change to the use of playing field land under [section 77\(1\) of the SSFA 1998](#).

<sup>35</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>.

<sup>36</sup> <https://get-information-schools.service.gov.uk>.

## Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools (other than alterations arising from foundation proposals, which are covered in [statutory process: foundation proposals](#) section) has 5 stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)	-	Where the proposed implementation timescale is longer than 3 years, the proposer should demonstrate good reason
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	Local authority must decide a proposal within 2 months	
Stage 4	Referral (if applicable)	If a decision has been made, any referral to the adjudicator must be made within 4 weeks of the decision. If the local authority has not decided a proposal within 2 months, it must refer the proposal to the Schools Adjudicator	



Stage	Description	Timescale	Comments
Stage 5	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications decided by the decision maker

**Table 17: Prescribed alterations statutory process**

Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that governing bodies and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Governing bodies should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend any pre-publication consultation period if it overlaps school holidays etc;
- by planning where any public and stakeholder meetings are held to maximise response;
- by taking into account the admissions cycle for changes that will impact on the school’s admission arrangements.

A number of changes can impact admissions, necessitating e.g. reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of 2 ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](https://www.gov.uk/government/publications/school-admissions-code--2)<sup>37</sup>) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or

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<sup>37</sup> <https://www.gov.uk/government/publications/school-admissions-code--2>.

- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#)<sup>38</sup> so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will necessitate a reduction in PAN or removal of a relevant age group for admission after parents have submitted an application for the following September (i.e. 31 October for secondary admissions or 15 January for primary admissions).

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a local authority is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed), the 2 notices could be published together and cross-refer to the other.

The full proposal must be published on a website (e.g. the school or local authority's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the local authority's address to which objections or comments should be submitted.

A brief notice (including the website address) must be published in a local newspaper. If the proposal is published by a governing body, then notification must also be posted in a conspicuous place on the school premises and at or near all of the main entrances to the school.

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<sup>38</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the governing body/local authority (as appropriate);
- the parents of every registered pupil at the school – where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
  - the Diocesan Boards of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;
  - the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority; or
  - the relevant faith group in relation to the school; and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area, or neighbouring local authorities.

Proposals affecting a special school should go to any local authority that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there).

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than 3 years.

## **Representation (formal consultation)**

The representation period must last for 4 weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the local authority to be taken into account by the decision maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

## Decision

The local authority will be the decision maker in all cases<sup>39</sup> except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)<sup>40</sup>, or where the proposals are referred to the Adjudicator as described below.

Decision makers will need to be satisfied that the appropriate fair and open representation period has been carried out and that the proposer has given full consideration to all the responses received during any pre-publication consultation. 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 2 months of the end of the representation period, or the proposals 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 whichever of the local authority and/or governing body that has not proposed the modification; or
- approve the proposal, with or without modification (having consulted on any modifications as mentioned above) subject to certain conditions<sup>41</sup> (such as the granting of planning permission) being met.

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<sup>39</sup> With the exception of proposals relating to changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority (see the [statutory process: foundation proposals](#) section below).

<sup>40</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

<sup>41</sup> The condition must be the occurrence of a prescribed event. The prescribed events are those listed in [paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations](#). These are:

- (a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- (b) the acquisition of any site required for the implementation of the proposals;
- (c) the acquisition of playing fields required for the implementation of the proposals;
- (d) the securing of any necessary access to a site referred to in Paragraph (b) or playing fields referred to in Paragraph (c);
- (e) the entering into an agreement for any necessary building project supported by the Department for Education;
- (f) in the case of mainstream schools, the agreement to any change of the admission arrangements relating to the school or any other school or schools, as specified in the approval;
- (g) the making of any scheme relating to any charity connected with the school;
- (h) the formation of any federation (within the meaning of section 24(2) of the Education Act 2002 of which it is intended that the school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;

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 local authority or the governing body (as appropriate); or the Schools Adjudicator (if the proposal has been referred to them). A notice must be placed on the website where the original proposal was published.

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

- the local authority (where the Schools Adjudicator is the decision maker);
- the Schools Adjudicator (where the local authority is the decision maker);
- the governing body (as appropriate);
- the trustees of the school (if any);
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority;
- 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](#)<sup>42</sup> 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 local authority must publish the decision, with reasons, on the website where the original proposal was published.

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(i) where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new further education institution under section 16 or 33C of the Further and Higher Education Act 1992;

(j) where the proposals in question depend upon any of the events specified in Paragraphs (a) to (i) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and

(k) where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and these proposals depend on the occurrence of events specified in regulation 16 of the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 the occurrence of such an event.

<sup>42</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

## 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 events<sup>43</sup>. The decision maker must set a date by which the condition should be met but can modify the date if the governing body that made the proposal asks for this before the date expires, for example because the condition will be met later than originally thought. If the decision maker is the Schools Adjudicator they must consult the local authority before doing this.

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.

## 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.

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<sup>43</sup> Under [paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations](#). See footnote 41.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#)<sup>44</sup> 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 be satisfied that proposed changes will not adversely impact any particular group, including those with protected characteristics or who are disadvantaged (for example, those who are eligible for free school meals or pupil premium). Decision makers should also consider how the proposal will support the local authorities' duty to promote the use of sustainable travel and transport to school.

The decision maker should consider whether a proposal will result in unreasonably long journey times or increased travel costs for local authorities or families, as well as any increase in the use of motor vehicles which is likely to result from the change, and the likely effects of any such increase.

Decision makers should be satisfied that the proposers have taken into account whether the proposal will result in a significant increase in the number of children who are unable to travel sustainably, for example due to a lack of suitable walking, cycling or public transport routes. Further information is available in the statutory [Home-to-school travel and transport guidance](#)<sup>45</sup> for local authorities.

## Funding

The decision maker should be satisfied that any land, premises or 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 any agreements required for this. A proposal cannot be approved conditionally upon funding being made available (unless the proposal is conditional on funding for any necessary

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<sup>44</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>.

<sup>45</sup> <https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance>.

building project supported by the Department<sup>46</sup>). In such circumstances consideration of the proposal should be deferred until it is clear that the capital necessary to implement the proposal will be provided.

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.

In terms of the revenue funding support that schools will receive for taking on additional pupils, schools' core allocations in any given year are based on the number of pupils that they had on roll at the previous autumn census. This means that schools that expand to educate additional pupils could be funded for fewer pupils for a given year. Local authorities can use growth funding to support schools to manage the revenue costs of an increase in pupil numbers before schools receive the corresponding increase in their core funding.

The department provides local authorities growth funding through the National Funding Formula (NFF) within their schools' block. Local authorities' growth funding is allocated based on the actual growth in pupil numbers experienced in the previous year. Local authorities determine criteria for allocating growth funding to schools in their area with the agreement of their schools forum. We expect any additional school places required to meet basic need would be funded in accordance with those local criteria.

Further information is available in the [Schools Operational Guidance](#) on local implementation of the funding system<sup>47</sup>.

## Right of referral

For prescribed alterations to maintained schools, the following bodies may refer a decision made by a local authority decision maker to the Schools Adjudicator, within 4 weeks of the decision being made:

- a Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority;

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<sup>46</sup> [Paragraph 8\(e\) of Schedule 3 to the School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013.](#)

<sup>47</sup> <https://www.gov.uk/government/publications/pre-16-schools-funding-local-authority-guidance-for-2023-to-2024/schools-operational-guide-2023-to-2024#growth-funding>.



- a bishop of the RC Church any part of which is comprised in the area of the local authority; and
- the governing body or trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of a request for a referral, a local authority decision maker must then send the proposal and representations received to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

## Implementation

A proposal must be implemented in the form that it was approved, including any modifications made by the decision maker.

## Modification post determination

Governing bodies can seek modifications from the decision maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

## Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal. If the decision maker agrees, this removes the duty to implement as set out in the [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)<sup>48</sup>.

## Land and buildings

### Foundation, foundation special or voluntary controlled schools

Where a local authority is required to provide a site for a foundation, foundation special or voluntary controlled school, the local authority must<sup>49</sup>:

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<sup>48</sup> <http://www.legislation.gov.uk/uksi/2013/3110/contents/made>.

<sup>49</sup> <http://www.legislation.gov.uk/uksi/2013/3110/schedule/3/paragraph/17/made>.

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the governing body, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the local authority is required to make the transfer, the adjudicator will make a decision.

### **Voluntary aided schools**

Where a local authority is required to provide a site for a voluntary aided school<sup>50</sup>, or where they choose to use their discretionary powers to provide assistance by means of providing a site<sup>51</sup>, they must transfer their interest in the land to the trustees of the school or to the school's foundation bodies if the school has no trustees, and must pay to the persons to whom the transfer is made the reasonable costs in connection with the transfer.

### **School premises and playing fields**

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities (except pupil referral units) are required to have suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#)<sup>52</sup> setting out suggested areas for pitches and games courts are in place although these are non-statutory.

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<sup>50</sup> Paragraph 4 of Schedule 3 to the [School Standards and Framework Act 1998](#).

<sup>51</sup> Paragraph 8 of Schedule 3 to the [School Standards and Framework Act 1998](#).

<sup>52</sup> <https://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal>.

## Statutory process: foundation proposals

### Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

The foundation of a foundation trust school is called a 'foundation trust'. A foundation trust must have a charitable purpose of advancing the education of pupils at the school and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby a majority of governors on the governing body must be foundation governors<sup>53</sup>. Governing bodies can propose:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of voluntary	Voluntary controlled or voluntary aided to foundation school and acquire a foundation, Voluntary controlled or voluntary aided to foundation school, acquire a foundation and majority foundation governors on the governing body	Statutory process	Governing body	For proposals at a voluntary aided school when decided by the governing body: Local authority, CofE diocese, RC diocese

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<sup>53</sup> 'Foundation governor' is defined in regulation 9 of the School Governance (Constitution) (England) Regulations 2012.

<b>Proposer</b>	<b>Type of proposal</b>	<b>Process</b>	<b>Decision maker</b>	<b>Right of referral to the adjudicator</b>
Governing body of foundation	Acquire foundation, Acquire a majority of foundation governors on the governing body	Statutory process	Governing body	N/A
Governing body of community	Community to foundation school, Community to foundation school and acquire foundation, Community to foundation school and acquire majority of foundation governors on governing body	Statutory process	Governing body	N/A

**Table 18: Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority process**

Where a school's governing body considers changing category to foundation and/or acquiring a foundation (including a foundation trust) and/or acquiring a foundation majority, the following 5-stage statutory process must be followed. These 3 types of proposals are collectively called 'foundation proposals'.

Stage	Description	Timescale	Comments
Stage 1	Initiation/consent	-	The governing body must in some cases get consent (as described below) before publishing proposals for a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication	-	Having gained consent where required
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the Prescribed Alterations Regulations
Stage 4	Decision	The governing body must decide within 12 months of the date of publication	Unless the local authority has triggered referral of the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications made by the decision maker

**Table 19: Foundation proposals statutory process**

## **Initiation/consent**

For a proposal to change the category of a school to a foundation school, the governing body should inform the local authority in writing of a proposed motion to consult, at least 7 days in advance of a meeting.

Before the governing body can publish a proposal to change category from a voluntary school to a foundation school, or a proposal for some types of foundation school to acquire a foundation majority, the existing trustees and whoever appoints the foundation governors must give their consent.

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Schedule 1 to the Prescribed Alterations Regulations](#)<sup>54</sup> specifies information that the statutory proposal must contain.

## Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last 4 weeks. During this period, any person or organisation can submit comments on the proposal to the governing body, to be taken into account when the decision is made.

During the representation period, the local authority has the power to require the referral of a proposal to acquire a foundation majority, or a proposal that would result in the school becoming a foundation school with a foundation or a foundation special school with a foundation, to the [Schools Adjudicator](#)<sup>55</sup> for decision, if they consider it will have a negative impact on standards at the school. The local authority does not have this power in respect of a proposal solely to change category to foundation<sup>56</sup>.

Where a proposal is referred to the [Schools Adjudicator](#)<sup>57</sup>, the governing body must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

## Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the governing body will be the decision maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

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<sup>54</sup> <https://www.legislation.gov.uk/ukxi/2013/3110/schedule/1/part/1/made>.

<sup>55</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

<sup>56</sup> However, where such a proposal is related to a proposal to acquire a foundation, then the whole set of proposals will be referred to the Schools Adjudicator.

<sup>57</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

Where a proposal to acquire a foundation or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the local authority (or, if the decision maker is the Schools Adjudicator, the governing body); or
- approve the proposal with or without modifications (consulting as above before deciding on any modifications) but conditional upon:
  - the making of any scheme relating to any charity connected with the school; and
  - the establishment of a foundation<sup>58</sup>.

Where the local authority has required a governing body to refer a proposal to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will fall to be decided by the Schools Adjudicator.

Decision makers should consider the impact of changing category to foundation school and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty<sup>59</sup> to promote community cohesion and decision makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies (if the foundation trust is already in existence at the time of the decision).

### **Foundation schools acquiring a foundation trust**

For proposals for schools to become foundation trust schools the decision maker should be satisfied that the following criteria are met for the proposal to be approved:

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<sup>58</sup> As defined in [section 23A of the School Standards and Framework Act 1998](#).

<sup>59</sup> Under [section 23A of the School Standards and Framework Act 1998](#).

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the proposed foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
  - disqualifications from working with children or young people;
  - not having obtained a criminal record check certificate<sup>60</sup>;
  - the Charities Act 2011<sup>61</sup> which disqualifies certain persons from acting as charity trustees.

### Suitability of partners

Decision makers will need to be satisfied of the suitability of foundation trust partners and members. Foundation trust partners are partnership governors that only exist in foundation schools that have no foundation or equivalent body, and they act instead of foundation governors. They are eligible to be appointed if the person nominating them believes that they have the skills needed to contribute to the effective governance and success of the school. Decision makers should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)<sup>62</sup>
- [The Charity Commission's Register of Charities](#)<sup>63</sup>; and
- [The Companies House web check service](#)<sup>64</sup>.

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<sup>60</sup> Under [section 113A of the Police Act 1997](#).

<sup>61</sup> Section 178: <http://www.legislation.gov.uk/ukpga/2011/25/contents>.

<sup>62</sup> Appearance on this database should not automatically disqualify a potential trust member; decision makers will wish to consider each case on its merits: <https://www.hse.gov.uk/enforce/convictions.htm>.

<sup>63</sup> <https://register-of-charities.charitycommission.gov.uk>.

<sup>64</sup> <https://wck2.companieshouse.gov.uk/wcframe?name=accessCompanyInfo>.



Within one week of making a decision the governing body must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the local authority;
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority, if the proposal relates to a change of category from voluntary aided to foundation school; and
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority, if the proposal relates to a change of category from voluntary aided to foundation school.

Where a proposal has been decided by the governing body and relates to changing the category of a voluntary aided school to foundation (with or without the acquisition of a foundation /foundation majority), the following bodies have the right to request referral to the [Schools Adjudicator](#)<sup>65</sup>:

- the local authority;
- the Diocesan Board of Education for any diocese of the CofE any part of which is comprised in the area of the local authority; and
- the bishop(s) of a diocese of the RC Church any part of which is comprised in the area of the local authority.

If one of those bodies requests referral, the governing body must submit the proposals, and any objections or comments received, to the Schools Adjudicator within one week of receiving the request.

### **Conditional approval**

Decision makers may make their approval conditional on certain prescribed kinds of events<sup>66</sup>. The decision maker must set a date by which the condition should be met but a governing body can modify the date before the date expires, for example if the condition will be met later than originally thought. Before changing the date for a condition to be met for a change of category to foundation school and/or the acquisition of a foundation, a governing body must consult the local authority.

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<sup>65</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>. The specific circumstances in which a referral can be made are prescribed under [paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations](#).

<sup>66</sup> Under [paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations](#).

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.

## Implementation

The governing body must implement any approved proposal by the approved implementation date, including any modifications made by the decision maker.

Within one week of implementation the governing body must provide information to the Secretary of State<sup>67</sup> about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) in order for the school record to be updated on GIAS.

## Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation. The local authority must be consulted before any modification is made to a proposal for a change of category to foundation school or for the acquisition of a foundation. The details of the modification must be published on the website where the original proposal was published.

## Revocation

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal as set out in the [Prescribed Alterations Regulations](#)<sup>68</sup>. If they decide, following that procedure, that the proposed changes should not be implemented, they will be relieved of the duty to implement.

## Governance and staffing issues

[Schedule 4 to the Prescribed Alterations Regulations](#)<sup>69</sup> provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the governing body;
- current governors continuing in office;

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<sup>67</sup> <http://www.legislation.gov.uk/uksi/2013/3110/schedule/1/paragraph/18/made>.

<sup>68</sup> <https://www.legislation.gov.uk/uksi/2013/3110/contents/made>.

<sup>69</sup> <https://www.legislation.gov.uk/uksi/2007/1289/schedule/4/made>.

- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

### Land transfer issues

When making a proposal to acquire a foundation, proposers will need to consider whether the current terms on which the school’s land is held on trust allows for the change in category proposed. Requirements as to land transfers when a school acquires a foundation are prescribed in [Schedule 5 to the Prescribed Alterations Regulations](#)<sup>70</sup>.

If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

### Removing a foundation trust and/or removing a foundation majority

Governing bodies of foundation schools can propose to remove a foundation trust and/or remove a foundation majority by following the statutory process:

Proposer	Type of proposal	Process	Decision maker	Right of referral to the adjudicator
Governing body of foundation	Removal of foundation and/or reduction in majority of foundation governors on governing body	Statutory process	Governing body	N/A

**Table 20: Removing a foundation trust and/or removing a foundation majority process**

There are 5 or 6 statutory stages (depending on the proposal and circumstances) to remove a foundation and/or to remove a foundation majority. This procedure applies only if the school was established under the Education and Inspections Act 2006 or acquired its foundation under that Act. It does not apply to a foundation that was established under

<sup>70</sup> <https://www.legislation.gov.uk/ukxi/2013/3110/schedule/5/made>.

the School Standards and Framework Act 1998. It may be triggered in 2 different ways – either by a majority or a minority of the governing body:

Stage	Description	Timescale	Comments
Stage 1	Initiation	-	<p><b>Majority</b> A meeting of the whole governing body votes to publish a proposal to remove a foundation/remove the foundation majority,</p> <p>or</p> <p><b>Minority</b> A minority (of not less than a third of the governors) notify the clerk of the governing body of their wish for the governing body to publish a proposal to remove a foundation/remove the foundation majority</p>
Stage 2	Land Issues (applicable only to removal of foundation)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation, the governing body, trustees and the local authority must resolve issues related to land and assets before a proposal is published

Stage	Description	Timescale	Comments
Stage 3	Consultation	<p><b>Majority</b> A minimum of 4 weeks is recommended or</p> <p><b>Minority</b> No consultation required</p>	<p><b>Majority</b> It is for the governing body to determine the length of consultation</p>
Stage 4	Publication	<p><b>Minority</b> Where there are no land or asset issues – publish within 3 months of receipt of notice by governing body clerk</p> <p>Where there are land issues, publish within one month of receipt of School Adjudicator's determination</p>	-
Stage 5	Representation	6 week representation period	-
Stage 6	Decision	Within 3 months of publication	A proposal initiated by a minority of governors may not be rejected unless at least 2/3 of the governing body vote in favour of the rejection

Stage	Description	Timescale	Comments
Stage 7	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications made by the decision maker

**Table 21: Remove a foundation and/or foundation majority statutory process**

## Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- the governing body<sup>71</sup> or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole governing body at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- at least 1/3<sup>72</sup> of the governors requesting in writing to the clerk of the governing body, that a proposal be published. No vote of the governing body is required as they are obliged to publish a proposal. To prevent on-going challenges there are a number of prescribed circumstances<sup>73</sup> in which there is no obligation to follow the wishes of the minority of governors.

## Land and assets (when removing a foundation)

Before publishing proposals to remove a foundation, the governing body must reach agreement with the trustees and local authority on prescribed issues relating to the school's land and assets<sup>74</sup>. Where such issues remain unresolved within 3 months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#)<sup>75</sup> for determination.

<sup>71</sup> [Regulation 4 of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

<sup>72</sup> [Regulation 5 of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

<sup>73</sup> [Regulation 5\(4\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007.](#)

<sup>74</sup> The issues on which they must agree are set out in regulation 6(1) of the School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007

<sup>75</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

On the removal of the foundation, all publicly provided land held by the foundation for the purposes of the school will transfer to the governing body<sup>76</sup>. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the governing body in accordance with a transfer agreement, providing for consideration to be paid by the governing body to the trustees where appropriate. This also applies to a transfer of publicly provided land if the trustees sold other land to buy the land or to build buildings on it. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

## Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the governing body must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the local authority;
- the governing bodies of any other foundation or foundation special schools maintained by the same local authority for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;

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<sup>76</sup> By virtue of [regulation 17\(1\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

- the Secretary of State if the proposals affect the provision of full-time education suitable to children and young people between the beginning of the academic year when they turn 15 and the date they turn 19; and
- any other person the governing body consider appropriate.

## Publication

Where the decision to publish a proposal was made by a majority of governors, the governing body at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the governing body must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#)<sup>77</sup>, the proposal must be published within one month of receipt of its determination.

Proposals to remove a foundation or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)<sup>78</sup>.

At the same time as publishing the proposals, the governing body must send copies of the proposals to the trustees, the Secretary of State, and the local authority. The Secretary of State's copy should be emailed to [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

## Representation

The representation period starts on the date of the publication of the proposal and must last 6 weeks. During this period, any person or organisation can submit comments on the proposal to the governing body to be taken into account when the decision is made.

Unlike the foundation acquisition process, there is no power for the local authority to refer a proposal to the Schools Adjudicator to remove a school's foundation or to remove a foundation majority. However, governing bodies must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of

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<sup>77</sup> <https://www.gov.uk/government/organisations/office-of-the-schools-adjudicator>.

<sup>78</sup> <https://www.legislation.gov.uk/uksi/2007/3475/contents/made>.



State under section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

## Decision

The governing body is the decision maker for a proposal to remove a foundation or a foundation majority and must determine the proposal within 3 months of the date of its publication.

If a proposal was published following a decision of the whole governing body, then it may be determined by a majority vote of those governors present at the meeting to decide the proposals<sup>79</sup>.

If a proposal was initiated by a minority of governors, then the governing body may not reject the proposal unless 2/3 or more of the governors indicate that they are in favour of its rejection<sup>80</sup>.

When deciding a proposal for the removal of a foundation, the governing body should consider the proposal in the context of the original decision to acquire the foundation, and consider whether the foundation has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners to act as a partnership governor in a foundation school that has no foundation or equivalent body, this should be considered.

All decisions must be taken in accordance with the processes prescribed in the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013<sup>81</sup>.

The governing body must notify the relevant local authority, trustees and the Secretary of State of their decision. Notification to the Secretary of State should be sent via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

## Implementation

The governing body is under a statutory duty to implement any approved proposal, as published (and as modified in the final decision), by the approved implementation date.

Removal of a foundation must be implemented in accordance with regulations 14-18, and removal of foundation majority must be implemented as per regulations 14-16 of the

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<sup>79</sup> As per the [School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).

<sup>80</sup> As per [regulation 11\(2\) of the School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

<sup>81</sup> Except as otherwise provided by the [School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#).

School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007.

An implementation period begins when the proposal is decided and ends on the date set out in the proposal (as published or as subsequently modified) as the date by which implementation is to occur. During this period, the local authority and governing body are required to ensure that a new instrument of government is made for the school, so enough time must be built into the timeframe for this to happen. The governing body must then be reconstituted in accordance with the new instrument of government and the [School Governance \(Constitution\) \(England\) Regulations 2012](#)<sup>82</sup>.

When removing a foundation or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current governing body who continues as a governor on these grounds holds office for the remainder of the term for which they were originally appointed or elected. Where a school with a religious character has no foundation trust, the governing body must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent a former foundation governor being reappointed by the governing body as a partnership governor, if eligible.

Where there are more governors for the category than are provided for by the new instrument of government, it must be decided which governors in that category are best placed to contribute to the effective governance and success of the school. For foundation governors, this decision must be made by those who appointed them. For governors without a foundation, this decision must be made by the governing body. The others must cease to hold office.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation for the use of the school and premises.

### **Modification of proposals**

The governing body may approve a proposal subject to modifications. Modifications can only be made to the implementation date and the proposed constitution of the governing body. If the proposal was initiated by a minority of governors, a modification can only be made at a vote of at least 2/3 of the governors.

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<sup>82</sup> <https://www.legislation.gov.uk/uksi/2012/1034/contents/made>.

## Further information

### Relevant departmental advice and statutory guidance

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#)
- [Education and Inspections Act 2006](#) (especially Parts 2 and 3)
- [School Standards and Framework Act 1998](#)
- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#)

It also relates to:

- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#)
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)
- [Childcare Act 2006](#)
- [The School Premises \(England\) Regulations 2012](#)
- [Making significant changes to existing academies guidance](#)
- [Closure of an academy by mutual agreement guidance](#)
- [Establishing a new school: free school presumption guidance](#)
- [Opening and closing maintained schools guidance](#)
- [School admissions code](#)

- [Education Act 1996](#)
- [Equality Act 2010](#)
- [Police Act 1997](#)
- [Charities Act 2011](#)
- Guidance from the Equality and Human Rights Commission on the [Public Sector Equality Duty](#)

## Other departmental resources

Contact details for Regional Directors offices:

- East Midlands – [RG.EM@education.gov.uk](mailto:RG.EM@education.gov.uk)
- East of England – [RG.EOE@education.gov.uk](mailto:RG.EOE@education.gov.uk)
- London – [RG.LONDON@education.gov.uk](mailto:RG.LONDON@education.gov.uk)
- North West – [RG.NW@education.gov.uk](mailto:RG.NW@education.gov.uk)
- South East – [RG.SE@education.gov.uk](mailto:RG.SE@education.gov.uk)
- South West – [RG.SW@education.gov.uk](mailto:RG.SW@education.gov.uk)
- West Midlands – [RG.WM@education.gov.uk](mailto:RG.WM@education.gov.uk)
- Yorkshire and Humber – [RG.YH@education.gov.uk](mailto:RG.YH@education.gov.uk)

## **Annex A: Information to be included in a prescribed alteration statutory proposal**

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and local authority details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support; objections and comments.



Department  
for Education

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## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated December 2022)

### Welburn Hall Temporary withdrawal of Residential Proposals

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Inclusion - CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion

## Appendix E - Equality Impact Assessment

Names and roles of other people involved in carrying out the EIA	<p>Martin Surtees, Senior Finance Projects Officer, CYPs</p> <p>Lucy Wade, Project Manager</p> <p>Chris Reynolds, Head of SEND Provision and Resources</p>
How will you pay due regard? e.g. working group, individual officer	Working Group
When did the due regard process start?	November 2022

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

It is proposed to seek permission to temporarily pause the existing residential offer at Welburn Hall school, for a period of two academic years from September 2023

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

This is a specific response to an emergency scenario that the main house building at Welburn Hall school has been identified as having major shortcomings in its heating and drainage systems. Our assessment is that we need to plan on the basis of undertaking a two year programme of urgent works to address buildings failure, placing the House out of action, and that it is not possible for us to replicate the specific environment required on a temporary basis.

Our objectives are to ensure that Welburn Hall school can operate in the future with effective buildings, and that during the transitional period that there is no adverse impact on outcomes for children and young people.

Whilst the vast majority of young people currently accessing residential provision at Welburn Hall will naturally leave in July 2023 due to their age, we recognise that a small number of pupils will have been expecting to access residential provision until July 2024. The council's SEN Case Work Team have made contact with those families affected and are continuing to provide support to assess all available provision options to continue to meet their assessed needs, (including identifying the possibility of transitioning prior to September 2023, where young people would be moving onto different programmes)



## Appendix E - Equality Impact Assessment

### Section 3. What will change? What will be different for customers and/or staff?

In the current academic year, 2022-23, the local authority is commissioning 12 residential places at Welburn Hall school, with those young people residing in the Main House building and they access four-night boarding provision

Subject to consultation process, if the proposals are implemented the following differences will be seen from the current operating model

- There will be no residential provision at Welburn Hall school during the academic years 2023-24 and 2024-25.
- it is planned that the functions currently undertaken in the House building relating to day provision can be replicated through the provision of temporary accommodation on the school site.

The implications for the team of 12 residential care staff who work to support the young people in their residential environment will need to be assessed by the School Governing Body and consultation proposals developed for the team

### Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Key stakeholders have been involved in the development of the proposal and have included:

- NYCC Children and Young People's Service
- NYCC Corporate Property team
- School leadership team

Under Education & Inspections Act 2006 public consultation with all stakeholders will be taking place during January 2023, to give all stakeholders, and in particular families with young people currently supported in residential provision, and the residential care staff group an opportunity to contribute to the formulation of this proposal.

### Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

The most immediate short-term impact will be that the acquisition of temporary accommodation units (subject to planning permission being secured) and the adaptation works required at the school will require an estimated £300,000 million of capital outlay.

The cost of the planned maintenance programme has been estimated at £4 million to £5 million. Whilst the current working assumption is that this work will be undertaken, necessitating the closure of the House, it needs to be emphasised that at this stage funding has not been identified at this stage to enable these works to proceed – and the

## Appendix E - Equality Impact Assessment

evaluation of those funding requirements form part of the evaluation of longer-term solutions for the school buildings.

In the interim period, it is recognised that additional costs may be incurred in making alternative arrangements for the small number of families who would otherwise have been accessing residential provision during the 2023-24 academic year (this cost has been estimated at £250k. In addition, the local authority will not have the flexibility to deploy that accommodation, should cases develop in such a way that Welburn Hall would have offered an effective new placement

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age			✓	There are a very small number of families (less than five) where placements for young people would have continued into the 2023-24 academic year. For each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their assessed needs, and we would be confident that we can find placements that effectively meet the young person's needs as defined in their EHCPs. However, the local authority's objective was to use the residential provision at Welburn Hall to meet demand for new placements, which would otherwise have required independent residential provision. That flexibility will be unavailable for a two year period, and might result in it being more challenging to find high quality appropriate placements in these scenarios
Disability			✓	It is anticipated that this will make things worse for SEND pupils due to their disability because the local authority will have fewer choices for new cases of pupils and families requiring residential provision or each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their needs.

## Appendix E - Equality Impact Assessment

Sex	Tick			It is anticipated that there would be no identifiable impact on SEND pupils due to their gender.
Race	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their race.
Gender reassignment	tick	✓		It is anticipated there would be no identifiable impact on SEND pupils due to gender reassignment
Sexual orientation	✓			It is anticipated there would be no identifiable impact on SEND pupils due to sexual orientation
Religion or belief	✓			It is anticipated there would be no identifiable impact on SEND pupils due to religion or beliefs.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on SEND pupils due to pregnancy or maternity.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on SEND pupils due to marriage or civil partnership.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Live in a rural area?		✓		It is anticipated there would be no identifiable impact on SEND pupils due to living in a rural area.
...have a low income?	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their family receiving a low income.

## Appendix E - Equality Impact Assessment

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

Given the very small numbers of families impacted by these proposals, it is anticipated that there will be no further impacts from a combination of protected characteristics

<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<p><b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.</p>	
<p><b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.</p>	
<p><b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	✓
<p><b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>Adverse impacts have been identified, however, steps will be taken to mitigate adverse impacts, and as provision is made for pupils on an individual needs basis this provides further steps to mitigate any identified adverse impact. Further individual consultation will be undertaken with those pupils and families in addition to their Annual Reviews where alternative education options will be explored if these are required.</p>	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)**

This EIA will be kept under review during the consultation and decision making process, and post implementation if decisions are made on these proposals.

Feedback will be sought from parents/carers of children and young people with SEND to determine lived experience impact. This is likely to be through EHCP annual reviews and ongoing engagement with North Yorkshire Parent Carer Voice.

## Appendix E - Equality Impact Assessment

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

### Section 12. Summary

During the consultation process in January 2023 and subsequent decision making process, any identified adverse impact will be fully considered and identified how this can be mitigated.

This proposal is being brought forward directly as a result of the local authority technical assessments regarding the condition of the building and the necessary maintenance works identified, and it has been assessed that the local authority is unable to support residential provision at Welburn Hall through the academic years 2023-24 and 2024-25

However, the local authority considers that the proposals being brought forward at this point in time, and the timing of this consultation exercise offer the most constructive response to the challenges faced, and are compatible with supporting Welburn Hall to remain a highly effective Special school, and to enable the local authority to assess how residential provision at the school can potentially be maintained into the future.

### Section 13. Sign off section

This full EIA was completed by:

**Name:** Martin Surtees

**Job title:** Senior Finance Projects Officer

**Directorate:** CYPS

**Signature:**

**Completion date:** 01/02/2023 **authorised by relevant Assistant Director (signature):** Jane Le Sage

**Date:** 01/02/2023



**Climate change impact assessment**

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Version 2: amended 11 August 2021**

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**  
 Planning Permission  
 Environmental Impact Assessment  
 Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

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<b>Title of proposal</b>	<b>Welburn Hall School – Replacement of Heating and Drainage Infrastructure</b>
<b>Brief description of proposal</b>	Significant programme of works to replace heating and drainage infrastructure following the identification of significant failures at the School
<b>Directorate</b>	<b>CYPS</b>
<b>Service area</b>	<b>Strategic Planning</b>
<b>Lead officer</b>	<b>Martin Surtees</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Jon Holden, Head of Property Service</b>
<b>Date impact assessment started</b>	<b>24 November 2022</b>

## Appendix F – Climate Change Impact Assessment

### Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The project proposed to be undertaken at Welburn Hall has been informed by detailed surveys and feasibility studies that have identified the extent of failure and the most effective solutions for addressing the failures within both the heating and drainage infrastructure at the School site. This work has identified significant failures associated with both, and a risk of catastrophic failure that is associated with either / both that would affect the continued educational provision at the School.

Options for the design of the work are limited by the Grade 2\* listed planning status of the School and, therefore, the project will include extensive work to remove, and dispose of, significant amounts of asbestos waste that is currently utilised to insulate the existing heating ducts and pipework.

### What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The proposed works will not impact upon the Council's revenue budgets. It is likely that they will have a positive impact upon the School's revenue budget as a result of: -

1. A reduction in responsive maintenance activity arising from the periodic failure of both heating and drainage; and
2. Reduced expenditure in respect of heating arising from the installation of modern, more efficient oil heating boilers

Appendix F – Climate Change Impact Assessment

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel	x				
	Emissions from construction		x	<p>The proposed construction project will result in additional emissions arising from construction traffic. The County Council will work with contractors to ensure that construction traffic is maintained at the minimum levels.</p>		
	Emissions from running of buildings	x		<p>The proposed works will include the replacement of the existing oil fired boilers with new, efficient oil boilers which will enable lower carbon emissions. Alternative low-carbon technologies could not be incorporated because of the age / type / condition of the of the building. <b>For example</b>, the installation of either Air Source or Ground Source Heat Pumps would require an associated programme of building fabric improvement and insulation works that would be beyond the scope of the current project and budget. Such a project would require an assessment of the current electrical supply to the School and, potentially, an upgrade of that supply.</p>		



Appendix F – Climate Change Impact Assessment

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>· Changes over and above business as usual</li> <li>· Evidence or measurement of effect</li> <li>· Figures for CO<sub>2</sub>e</li> <li>· Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Page 113</p>					<p>The replacement of the existing drainage infrastructure, which will separate foul and surface water, will also result in a reduction in emissions.</p>		
	<p>Emissions from data storage</p>		<p><b>x</b></p>				
	<p>Other</p>						
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>			<p><b>x</b></p>	<p>The proposed construction project will result in the production of waste, including asbestos waste. The County Council will work with its designers / contractors to ensure that waste is minimised</p>			
<p>Reduce <b>water</b> consumption</p>		<p><b>x</b></p>					
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>	<p><b>x</b></p>		<p><b>x</b></p>	<p>The proposed project will improve the drainage infrastructure at the School site and will significantly reduce the risk of pollution in the local environment.</p> <p>The construction project will, however, create some pollution. This will comprise air (traffic)</p>			

Appendix F – Climate Change Impact Assessment

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Page 114</p>				<p>and noise pollution (arising from the works). The County Council will work closely with its contractors to ensure that this is minimised through the development of a traffic management plan and a restrictions on working hours</p>		
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	<p>x</p>			<p>The proposed project will improve both the heating and drainage infrastructure at the School. It will, therefore, improve the resilience of the School to the effects of climate change</p>		
<p>Enhance <b>conservation</b> and wildlife</p>		<p>x</p>				

**Appendix F – Climate Change Impact Assessment**

<p><b>How will this proposal impact on the environment?</b></p> <p><b>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>· <b>Changes over and above business as usual</b></li> <li>· <b>Evidence or measurement of effect</b></li> <li>· <b>Figures for CO<sub>2</sub>e</b></li> <li>· <b>Links to relevant documents</b></li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's Landscape</b></p>	x			<p>The proposed project will result in the improvement of a Grade II listed property and will, therefore, contribute to North Yorkshire's heritage</p>		
<p>Other (please state below)</p>						

<p><b>Are there any recognised good practice environmental standards in relation to this proposal?</b> If so, please detail how this proposal meets those standards.</p>
<p>The proposed works will be designed and undertaken in accordance with: -</p> <ul style="list-style-type: none"> <li>· Building Regulations (Approved Document H) – drainage</li> <li>· Building Regulations (Approved Document L) – heating</li> <li>· Control of Asbestos Regulations, 2012 – asbestos removal</li> </ul> <p>This will ensure that all aspects of the work are compliant with relevant environment regulations</p>

## Appendix F – Climate Change Impact Assessment

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Detailed building surveys have identified that the educational provision at Welburn Hall School is at significant risk arising from the condition of both the heating (Main Hall) and drainage infrastructure serving the School's site. The condition of both is such that there is a risk of catastrophic failure that would result in the closure of either the Main Hall (heating) or the whole site (drainage) pending the completion of required repair. Arising from the Grade II listed status of the building and its construction significant projects would be required in order to address both the heating and drainage and it is, therefore, recommended that both are addressed via a planned programme of work that provides for continued educational provision at the School during the period of the construction works.

This climate change assessment has demonstrated that the proposed project would have a positive impact upon climate change impact through both the provision of a more effective drainage system (reduced risk of pollution to the local environment) and more efficient oil heating boilers (reduced CO2 emissions). The assessment has noted that the provision of Air Source or Ground Source Heat Pumps would result in a greater reduction in CO2 emissions but that such a proposal would not be suitable for the Main Hall, even in the event that additional fabric / building services improvements were to be implemented. It is noted, however, that the potential exists for such technology to be implemented in addition to the new oil boilers in a future scheme, subject to an assessment of the electricity supply to the School site.

The impact assessment has noted, however, that the proposed construction project will also have negative impacts arising from the waste that will be produced (including hazardous asbestos waste) and noise pollution that will arise. In both cases the County Council will work closely with its contractors to ensure that waste is minimised, and disposed of in accordance with the environmental regulations and that noise pollution is controlled.

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### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Martin Surtees</b>
<b>Job title</b>	<b>Senior Finance Projects</b>
<b>Service area</b>	<b>Inclusion</b>
<b>Directorate</b>	<b>CYPS</b>
<b>Signature</b>	
<b>Completion date</b>	<b>27 November 2022</b>

**Authorised by relevant Assistant Director (signature): Jane Le Sage**

**Date: 1/2/2023**

## North Yorkshire Council

### Children & Young Peoples Services

#### Executive Members

18<sup>th</sup> April 2023

## SPECIAL EDUCATIONAL NEEDS (SEND) CAPITAL PROGRAMME

### Report of the Corporate Director, Children and Young People's Services

#### 1.0 PURPOSE OF REPORT

1.1 The Council faces significant challenges in terms of the sufficiency of its specialist provision, and this report details how resources amounting to circa £20 million should be allocated to address the most pressing concerns

#### 2.0 SUMMARY

2.1 This report sets out proposals to deliver a programme of expanding SEN Specialist capacity within North Yorkshire. It builds upon discussions that have taken place over a significant period of time and is given added impetus by the need to deploy the High Needs Provision Capital Allocations we have been allocated by central government in an effective and timely manner. Whilst we have significant concerns about the suitability and condition of our special schools, this paper will set out that our assessment is that the overarching priority with the limited capital resource envelope available is to respond to our capacity challenges.

2.2 The report discusses how an overall resource provision of circa £20 million has been developed, and details proposals on how to allocate that resource.

#### 3.0 BACKGROUND

3.1 There are a significant number of important contexts to the general need for additional specialist provision capacity and the specific considerations about precisely what schemes and issues the local authority should be addressing within any programme.

3.2 **An assessment (dating back to 2021) that our shortfall in specialist provision places would amount to 350 places over a three to five year period.**

3.2.1 We undertook an exercise in 2021 that reviewed our medium-term demand for specialist provision capacity – and established that there was a potential projected shortfall of approximately 350 places over the next three to five years. This remains our working assumption although this will be monitored closely as there is a continuing trend for an increased number of assessments.

### **3.3 The shortage of capacity is partly the product of historically low levels of specialist provision**

3.3.1 Our level of specialist provision per head of population is below the national average. The DfE high needs benchmarking tool indicates that in the latest national dataset (as at January 2022), our level of provision was 10.23 per 1,000 head of population compared to a national average of 12.09, leaving North Yorkshire ranked 101<sup>st</sup> out of 150 local authorities. If the measure is expanded to measure special schools AND resource units then our rank deteriorates significantly to 118<sup>th</sup>.

3.3.2 The relatively limited specialist provision capacity, at a time when our Education Health and Care Plan (EHCP) rates have been increasing rapidly, has generated the increased demand for additional places in the independent sector (which typically have far higher unit costs). As per the DfE High Needs benchmarking tool, our spend on Independent and non-maintained special school placements is £125.15 which places North Yorkshire as the 77<sup>th</sup> highest spending authority on this category of placement.

3.3.3 These issues are most acute in relation to autism and SEMH (social, emotional and mental health) placements, which is a theme discussed further at 2.6. below

### **3.4 Whilst we were successful in securing the Selby Free School through the DfE Special Free School programme, DfE's delivery of the school has been extremely slow.**

3.4.1 The Selby free school bid was approved in Spring 2019 but the latest estimated date for opening is at some point in the calendar year 2025. This is disappointing given that the 100 places that the school will create are urgently needed to address overlap capacity shortfalls and provide access to a local provision to families from the Selby area

### **3.5 The SEND Strategic Plan in 2018 specifically set out the ambition to develop 31 targeted mainstream provisions, meeting C&I (communication and interaction) and SEMH needs across the five localities in the county. To date, progress has been modest and we currently (as at Feb 2023) have 10 provisions in operation**

3.5.1 Our approach to date has been based upon exploring with the schools community if we can find constructive/ collaborative partners to develop and operate high quality targeted mainstream provisions. This has proven successful in establishing ten provisions – and there is serious interest from three further schools in opening new provisions during the 2023/24 academic year.

3.5.2 The schedule of current provision is detailed in the table below

Table 1: Current operational targeted mainstream provisions

<b>Scheme</b>	<b>Locality</b>	<b>Designation</b>	<b>Opening</b>	<b>Capital Cost</b>
Wensleydale	Hamb/Rich	C+I Secondary	01/09/2021	£256,000
East Whitby Academy	Whitby	C+I Primary	01/01/2021	£50,000 contribution
Grove Road Prim	Harrogate	C+I Primary	01/01/2021	£21,948
Holy Family Catholic High	Selby	C+I Secondary	01/01/2021	£5,548
West Cliff Primary	Whitby	SEMH Primary	01/11/2021	£84,000 contribution
Alverton Community Primary	Hamb/Rich	C+I Primary	01/11/2021	£300,000
Stokesley Primary	Hamb/Rich	SEMH Primary	01/03/2022	£50,000 contribution
Thirsk (with Sunbeck PRU)	Hamb/Rich	SEMH Secondary	01/09/2022	£196,000
Skipton Academy	Craven	C&I Secondary	01/12/2022	£380,000
Caedmon College	Whitby	C&I Secondary	01/01/2023	£30,000 estimated

- 3.6 Our rural context and large geographic area provides particular challenges – establishments with particular specialisms are unable to serve the whole county area, and the distances to some parts of the county mean that accessing provisions in Other Local Authority settings is challenging.**
- 3.7 Our key priorities have evolved since the SEND Strategic Plan – and we have agreed partners for some time that our two biggest gaps in provision are SEMH provision in the north of the county and autism provision for secondary-age pupils in a central location**
- 3.7.1 We have triangulated this view with a more detailed analysis of new independent sector placements (covering the three-year period 2018 to 2021) and we identified that 95% of the new independent sector placements over that period were for young people with either a primary need of SEMH or Autism.
- 3.7.2 In the case of the SEMH analysis, the tracking of individual cases and the circumstances applicable at the point of placement gave us significant confidence that the majority of the cohort of the young people could have been effectively placed in a special school SEMH provision in the Hambleton/ Richmondshire area if such a provision had been available. This analysis formed an integral part of our business case for the application for a new free special school provision in Northallerton.
- 3.7.3 In the case of the Autism analysis, the evidence base needs closer scrutiny because the needs of the individual pupils can lead to a range of provisions being the most appropriate to support individual young people’s EHCP needs. We have a

significant sized cohort at Breckenbrough (a non-maintained school), and our judgement was that this provision was the most appropriate to meet the needs of some (but not all) pupils who have previously been the subject of placements at this school. Our assessment was that we need to develop a provision for young people with Autism needs who require the support of a specialist placement where they have access to a formal curriculum constructed to support them achieve qualifications at GCSE. This was considered to be a more structured curriculum offer than available in our existing special schools.

- 3.7.4 In terms of size and location, we have reached a pragmatic view that the cohort numbers for Secondary pupils would be able to support a financially viable provision, and that given we do not have the resources to develop multiple provisions that we would seek to develop a new provision in a Central location in the authority to maximise the “reach” of the provision.
- 3.8 We submitted a bid for a free school in the Hambleton/ Richmondshire area in October 2022, as part of the most recent DfE Free Special school wave – and in early March 2023 we learnt that bid has been successful.**
- 3.8.1 The bid submitted in October 2022 was to develop a school with 120-place capacity on the Grammar school Lane site in Northallerton to support pupils with significant SEMH needs.
- 3.9 We have been innovative in developing additional capacity over the course of the last four years – and have experienced significant success with modest scale schemes at our maintained special schools, both in terms of high value for money (as measured as capital outlay per place created) and in terms of pace of new places coming onstream.**
- 3.9.1 Within the projects supported by the Special Purpose Capital Fund, we have achieved significant successes, particularly the Ripon Mowbray scheme where a capital outlay of circa £750k secured additional capacity of 56 places – with a delivery timescale of 18 months. More recently, our investment of £100k at Mowbray school (Bedale) in Summer 2022 underpinned a project with a gross capital outlay of £306k which delivered three additional classrooms and a toilet block – and was developed within a six-month timeframe. There is significant potential in ‘mini-projects’ to deliver modest scale developments securing additional capacity at a relatively low level of capital outlay per places created and with the potential for additional capacity to be realised in a much shorter timeframe than major projects (particularly where we assess the risk profile of the projects are such that the school can manage those projects effectively)
- 3.10 Whilst we tend to have the view that the “low hanging fruit” projects, in relation to ‘mini-projects’ have been exhausted, there may still be scope to create some additional capacity through a combination of redevelopment of existing special schools, or the potential for Special schools to develop satellite provisions at mainstream schools or TMPs owned by Multi Academy Trusts.**



3.10.1 Despite our relatively very low resource allocations in SPCF and HNPCA Round 1, the evidence is that we have increased the number of young people with EHCPs in Special schools broadly in line with the national average position or achieved even better.

**3.11 Furthermore, our Special schools generally remain small in comparison to the national average, and we think there is a strong connection that this contributes significantly to the financial viability challenges that a number of the schools face.**

3.11.1 Table 2 sets out the recommended commissioned number of places for each of our special schools for the Academic Year 2023/24 – as well as detailing the estimated commissioned place numbers based upon trend data. The latter figure generates an aggregate place number which is 53 places more than the commissioned place numbers we have actually deployed within our commissioning and budget setting discussions with schools – and this is a reflection of the limited capacity at some key pressure point schools.

3.11.2 Based on commissioning information, it is anticipated that there is a shortfall of circa 80-100 places going into the 2023/24 academic year.

Table 2: Commissioned Places at North Yorkshire Special schools

	Estimated 2023/24 Academic Year Commissioned Places based on trend only			Actual Commissioned Places Academic Year 23/24
	North Yorkshire	Other Local Authorities	Total	Total
<b>Brompton Hall</b>	61	6	67	67
<b>Welburn Hall</b>	97	1	98	98
<b>The Woodlands</b>	120	32	152	132
<b>The Dales</b>	76	5	81	75
<b>Springhead</b>	96	4	100	97
<b>The Forest</b>	141	3	144	137
<b>Springwater</b>	110	3	113	110
<b>Brooklands</b>	81	11	92	88
<b>Mowbray</b>	312	6	318	309
<b>Forest Moor</b>	79	1	80	80
<b>Total</b>	1,174	72	1,246	1,193

3.11.3. In addition, the table shows that the majority of North Yorkshire Special schools are below the average size of Special schools in England – which is around the 120 pupil mark.

### **3.12 Pressure in terms of assessment numbers would indicate that this estimate may need refining upwards**

3.12.1 During the course of 2022/23, we have seen a very marked increase in the number of requests for assessment, so that the numbers received during the calendar year 2022 were 908 compared to 726 in 2020 and 702 in 2021 (with 700 new assessments having been a reasonably stable level for a number of years). Furthermore, that trend really emerged from Easter 2022, so that forecasts of the likely number of requests for the financial year 2022/23 are between 980 and 1,090.

### **3.13 HNPCA allocations have been significant but disappointing in comparison to other authorities**

3.13.1 The government have allocated £2.6 billion in the autumn 2021 Spending Review to support local authorities to address potential deficiencies in specialist provision capacity. This level of national investment is welcomed by North Yorkshire but we do have significant concerns about the resource allocation methodology that the DfE have deployed.

3.13.2 Our HNPCA (High Needs Provision Capital Allocation) amounts to a total of £9.2 million and when added to the previous SEN Capital allocation round (Special Provision Capital Fund) we have received circa £10.1 million. (Special Provision Capital Funding covered the period 2018-19 through to 2020-21, and HNPCA has been allocated in 2021-22 through to 2023-24). This amounts to £88 per pupil within North Yorkshire. This compares to £483 per pupil in the case of Kensington and Chelsea. Perhaps the most stark comparison is with Salford City Council which has the benefit of having a starting position of roughly double the level of specialist provision (per head of population) as North Yorkshire but has received three times the level of funding per head of population

3.13.3 The allocation of HNPCA to local authorities also brings an accountability to evidence that the additional resources have specifically been deployed to generate additional capacity in terms of specialist provisions – and whilst there is some leeway in the DfE expectation, we are expected to deliver those additional places within a reasonable timeframe.

### **3.14 Whilst our priorities are about addressing our limited capacity in specialist provision, we were alerted in Summer 2022 to a potentially critical failure in the heating and drainage systems at Welburn Hall Special school. We are currently investigating a range of options for the optimal investment strategy – with permutations around the provision of both day provision and residential provision, and options that make use of the Welburn Hall site alongside opportunities to use other sites.**

3.14.1 Following the identification back in Summer 2022, of a potential critical failure of the heating and drainage systems at the school, we have commissioned through our

Property Services team a number of feasibility studies to provide greater clarity upon the likely programme requirements-

- 3.14.2 Initial feasibility studies identified a range of capital cost investment requirements of between £3.175 million and £4.069 million (dependent upon the precise decisions taken in relation to the drainage system and the type of heating system required in the future). In addition, if the works programme were to be taken forward, we would need to give consideration to (a) appropriate contingencies and protection against cost inflation (b) any further works needed beyond the House building to enable the school to support a pupil population of circa 120 pupils in the medium term and (c) whether there are any other condition-related works which we assess should be prioritised and undertaken in the House at the same time as the overall works programme.
- 3.14.3 For those reasons, we are working with a cost estimate of £5 million to undertake a programme of works that would facilitate the House being able to re-open and residential provision to be restored from academic year 2025-26.
- 3.14.4 The status of the £5 million estimate is that it enables us to earmark a credible resource level to address the Welburn Hall challenges – whilst we evaluate the optimal investment programme for the school.

#### **4.0 PROGRAMME PROPOSALS**

- 4.1 The financial implications section will detail that an aggregate resource of circa £20.5 million has been constructed to deploy in relation to the SEN Capital programme.
- 4.2 The approach adopted to developing the programme has been to work iteratively through the following demands on the programme
- (1) Definitive commitments – either resources already committed, or where it would be imprudent of the authority to not be making an appropriate provision at this stage
  - (2) SEN Strategic Plan commitments – the SEN Strategic Plan set out the ambition of developing 31 targeted mainstream provisions, and the proposed programme includes a resource to support our assessment of what is a realistic pace of expansion in the programme across the next three years
  - (3) Key Strategic priorities – over the course of the last two years, we have consistently articulated that the two most significant gaps in our range of provisions are an SEMH provision to serve the North of the County (with the key locality to serve being the Hambleton / Richmondshire Area) and a Secondary Autism provision
  - (4) Most acute pressure points :- the limitations of our specialist provision have resulted in increasingly challenging rounds of annual admissions, and difficult decisions needing to be made about placements. This has resulted in some young people being placed in independent provision or supported through additional resources in mainstream provision, where we may have considered they would be most effectively supported in special school placements. We assessed that this challenge was most acute in relation to Springwater Special school in Harrogate,

and an opportunity presented itself to repurpose the 68a High Street and Meadowbank properties which adjoin the school and are currently occupied by Council Services, A scheme has been developed – with a projected cost of £3.1 million that provides 45 places – and this was approved at Executive (February 2023). Consequently, this scheme could be considered as falling into category 1 above

(5) Buildings at risk of catastrophic failure:- as discussed above, we were alerted in Summer 2022 to the risk of catastrophic failure in the buildings at Welburn Hall (and most specifically in the House building). Whilst work is ongoing to evaluate the optimal strategic future investment strategy, a resource of £5 million has been earmarked at this stage to ensure that there is resource available to enable the school to continue to operate.

4.3 All of the above priority areas are summarised in the table below, which evidences that just under £17 million of the available resources of £20.5 million is proposed as being earmarked. Whilst there is some discretion in relation to some of the schemes below, it has been assessed that to invest at lower levels would generate significant risks to provision or simply not be making appropriate provision for what are substantive financial risks to the authority. Further detail regarding the individual schemes / allocations is provided in Appendix 1.

Table 3: Initial Investment Priorities

	£000s	£000s	£000s
<b>1 Definitive Commitments</b>			
Miscellaneous Commitments	1,681		
Woodlands Contingency	250		
selby free school	250		
Hamb / Rich Free School	500		
Welburn Hall Temp Accom	300		
		2,981	
<b>2 SEN Strategic Plan priorities</b>			
further roll-out of Targeted Mainstream Provisions	2,400		
		2,400	
<b>3. Key Strategic Priorities</b>			
Central Secondary Autism provision	3,500		
		3,500	
<b>4 Response to critical placement pressures</b>			
Springwater Special school expansion	3,100		
		3,100	
<b>5 Risk of critical failure</b>			
Welburn Hall	5,000		
		5,000	
			16,981

- 4.4 There are three principal areas that the SEN Capital Board have identified as priority allocations from the remaining resources within the programme
- Mini-schemes leading to the expansion of existing special schools
  - Addressing shortages in Alternative provision capacity
  - Future proofing adult learning capacity (in the form of the Personalised Learning Pathways Service) to ensure we can meet the needs of learners across all localities in the County
- 4.5 However, prior to assessing the resource allocations, we have assessed that it would be prudent to include a general contingency within the programme – in case of either new emergency requirements of additional requirements being identified in relation to any of the ten spending areas identified in the earlier section regarding Initial Investment priorities. We are proposing to set that contingency at a modest level of £0.5 million.
- 4.6 These three areas are explored individually below – with the proposal being that £1.5 million is allocated to the mini-schemes programme, and £750k allocated to each of the Alternative provision and future proofing adult learning capacity block provisions.

### **Mini-schemes**

- 4.7 Given our previous experience of “mini-schemes” at existing special schools delivering schemes that rapidly secured additional capacity, and generally at a low level of capital outlay per place created, we had intended that, provided there was financial headroom, that we would seek proposals from our special school community along these lines. Furthermore, we have discussed this possibility with the Special School headteacher network, so that whilst there is no definitive commitment, there is some expectation that such an arrangement will ultimately form part of our programme.
- 4.8 In terms of the criteria we would apply to evaluate bids from schools, it is proposed that the following factors need to be part of the evaluation framework:
- Create additional places by, at the latest September 2024 (with added priority to schemes delivering additional places at an earlier date)
  - Cost per place must be below £50k per place created – with additional priority to schemes with relatively low capital cost per place
  - Schemes must be compatible with the effective operation of the school (i.e. not disruptive to other aspects of the school operation)
  - Additional priority to be assigned to schemes that provide additional places in our “school hotspots”
  - Schemes must facilitate the additional places being occupied by pupils with needs in line with the “admissions expectations” of the local authority
  - Schemes that support the delivery of additional capacity at schools with relatively low pupil numbers and which would enhance the financial sustainability of the school to be given additional priority
  - Schemes that bring into the equation surplus capacity in the mainstream sector will be favourably assessed
  - Schemes to be assessed as having modest or low risk assessments in terms of their delivery

- 4.9 Further work is in train to develop the detailed bidding criteria and processes so that this workstream, if approved, can be progressed rapidly.
- 4.10 We are minded not to require schools to go through the full feasibility stage process at the bidding stage and are currently evaluating whether it would be beneficial to have a team drawn from SEN Commissioning / Strategic Planning and Property Services to either undertake an initial review of the bids, or alternatively that the same group works more proactively with schools to assist them in their assessment of the optimal scheme for the school.
- 4.11 Finally in terms of the sub-division of the resources, it is proposed that individual schools are encouraged to review carefully and discuss with local authority officers in advance of their bid submission, any schemes that would require more than £250k of investment.

**Alternative provision:**

- 4.12 We have received feedback from mainstream school leaders that the quality of a preventative offer could be enhanced, that some of our PRS facilities are limited in terms of their suitability to offer a diverse curriculum offer, and some of our provisions are of a scale that introduces a tension between breadth of curriculum offer and financial sustainability. It is considered that a block provision resource would enable the local authority to work with localities to develop proposals to strengthen the quality of the local offer, and to provide the flexibility to respond to the expectations in the Green Paper of developing alternative pathways that reduce the dependency upon specialist provision.
- 4.13 At this stage there are no commitments against this block provision – and no schemes would be progressed without the approval of the SEND Capital Board.

**Personalised Learning Pathways**

- 4.14 The numbers of learners engaged on programmes delivered by the adult learning service has expanded rapidly from circa 80 learners three years ago to around 150 learners in the current financial year. Whilst the service has managed to expand some of its bases - in an ad hoc manner- there are concerns about the suitability and capacity of some bases. Furthermore, increasing numbers of pupils qualifying for EHCPs in future years may increase this pressure further, although this pressure could be mitigated by our commissioning strategy identifying the specific appropriate groups of young people that the service can most effectively support.
- 4.15 In any event, it is considered that a block provision of £750k would provide some flexibility to reconfigure or expand provision in some localities.
- 4.16 At this stage there are no commitments against this block provision – and no schemes would be progressed without the approval of SEND Capital Board.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 The need to develop additional specialist provision, and in particular the need to develop a range of Targeted Mainstream Provisions, as an integral part of the range of pathways available to meet the needs of young people effectively and locally, were consulted upon extensively with stakeholder groups (including parents and carers) as part of the development of the SEN Strategic Plan.
- 5.2 There has been significant discussion about the two key priorities in terms of gaps in provision with key stakeholder groups including Schools Forum and the Special School headteacher network over a period of two years – without any alternative priorities being identified.
- 5.3 The scenario at Welburn Hall has been the subject of its own specific consultative process in relation to the local authority’s proposal to pause residential provision at the school in the light of the risk of catastrophic failure in relation to the heating and drainage systems at the school. Through the consultation process, there was significant amount of feedback from parents/families, staff associated with the school, and the School Governing Body that they would want the authority to prioritise the quick restoration of residential provision at the school, which would necessitate investment in the major responsive maintenance programme

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 In terms of the key Council priority regarding Every Child having the best possible start in life, the SEN strategic plan (2018) set out the importance of developing a range of provisions and pathways that can be more responsive to the needs of individual young people across North Yorkshire.
- 6.2. By developing new provisions to address the two major shortfalls in our existing range of provisions, we will be ensuring that we have a range of specialist provisions that can ensure the needs of circa 200 young people will in time be more effectively met, supporting them to make excellent progress against the outcomes defined in their EHCPs.

## **7.0 ALTERNATIVE OPTIONS CONSIDERATIONS**

- 7.1 We recognise that there are significant challenges across our special schools in terms of the condition and suitability of our special school buildings. The resources available to the local authority to invest in key maintenance projects have reduced significantly in recent years, so that the local authority only receives circa £6.3 million to undertake projects across over 200 maintained schools (currently 215 mainstream and specialist maintained schools, as at April 2023) complementing the relatively low levels of devolved capital made available to schools.
- 7.2 Whilst we have assessed the possibility of undertaking significant rebuild projects to improve the quality of accommodation at a number of our specialist provisions, we have had to adopt the approach that with the limited capital resources available to the local authority, that we would concentrate on attempting to secure resources for school rebuild projects through the DfE Schools Rebuild Programme (specifically

designed to deliver whole school or significant rebuild projects at schools with significant condition challenges). The exception to this rule of thumb is Welburn Hall – which we deem to be at significant risk of imminent critical buildings failure. All NYCC applications to secure rebuild programmes at our Special schools have unfortunately been unsuccessful – including our application in relation to Welburn Hall. Consequently, the balance of our proposed programme is heavily skewed towards dealing with sufficiency challenges

## **8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

- 8.1 The expansion of a number of Special schools, as a consequence of the proposals in this report will require careful planning between the school and local authority SEN team, to ensure that the changes are not disruptive to the school and that all young people can be offered effective support to assist with their integration into their new school. Whilst we would have an expectation that special schools would generally be able to manage relatively small changes in their pupil populations, and ensuring for example that appropriate resources (staffing and otherwise) are available to support them in their new setting, some of this programme will require larger scale transformations
- 8.2 We will also liaise with various Education support service and colleagues within the health sector to ensure that services and support can be geared up to support larger/ changing pupil populations – with sufficient lead-in time where those support arrangements are themselves the subject of commissioning arrangements.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are a number of aspects to the financial implications of this programme development, and this section considers:
- (a) The resource quantum available to support the programme and any uncertainty associated with that quantum;
  - (b) The potential savings accruing from the development of additional specialist provision capacity, and in particular, how additional capacity may reduce the future pressure to commit additional resources into more expensive independent sector placements;
  - (c) The risks associated with taking forward this programme and some management considerations about the phasing and funding of individual projects

## **RESOURCE QUANTUM**

- 9.2 The resource quantum for the programme is based upon the following assumptions:
- High Needs Provision Capital Allocations (HNPCA) of £9.2 million to date – with currently no assumption built-in of further allocations being made available in 2024/25.
  - School Condition Grant – resources of £4.3 million set aside from financial years 2020/21 and 2021/22 (no further block allocation is assumed, but there is an assumption that up to £3 million will be made available over the course of 2022/23, 2023/24 and 2024/25 towards the cost of Welburn Hall programme)
  - Contribution from the LA High Needs Provision – assumption of £4 million of funding to be made available, which would only be drawn down in the scenario that no further allocations of HNPCA are made available.



- 9.3 These funding streams are discussed in further detail below – but they provide an aggregate resource base of £20.5 million for the programme.
- 9.4 Given that the HNPCA funding allocations extend through the 2022/23, 2023/24 and potentially 2024/25 financial years, then potentially the programme should be regarded as covering that period
- 9.5 In terms of further HNPCA allocations, the DfE allocated £690 million in financial year 2022/23 nationally and a further £750 million in 2023/24. Our understanding from DfE officials is that a similar sized sum has been earmarked for the 2024/25 financial year, although to date there is no confirmation of this figure in Government spending plans. In the 2022/23 and 2023/24 allocation round, North Yorkshire received a figure of £8.468 million (which when expressed in terms of spend per head of population was 61% of the national average figure).

### **SAVINGS IMPLICATIONS**

- 9.6 The key premise to the financial analysis is that additional capacity in Special schools and specialist provisions will enable the authority to reduce its longer-term requirements for more expensive placements in the independent sector.
- 9.7 However, constructing this financial analysis requires a number of judgements to be made about future trends across a complex high needs commissioning system – so that:
- a) the analysis has to be caveated that it is based upon a series of assumptions that are set out in the next section, and;
  - b) because of particular uncertainty over the likely trends in new Education Health and Care Plans, three scenarios are presented, which generate a range of potential savings figures.
- 9.8 The analysis has been constructed over a five year period – principally because any assumptions regarding the operation of the system would have less validity if we extend the analysis beyond five years.
- 9.9 The key assumptions deployed in the financial modelling exercise, and the details behind the three scenarios that have been progressed are detailed in Appendix 2.
- 9.10 The financial modelling deploying the assumptions set out above generates the following range of potential savings figures across the capital investment period

Table 4 :- Summary of financial modelling

	Saving (£Ms)
Scenario 1 :- current trends	22.51
Scenario 2 :- previous trends	14.44
Scenario 3 :- optimistic trends	9.42

Note :- the five year period covers the academic years 23/24, 24/25, 25/26,26/27,27/28.

## **PROGRAMME MANAGEMENT**

9.11 There will need to be very careful scrutiny of the programme to ensure that

- All projects can appropriately be allocated to individual funding streams – for example, the HNPCA grant has the prescription in the grant conditions that it can only be deployed in relation to projects that will expand capacity in specialist provisions
- The costs associated with individual projects are carefully monitored to identify any potential over-commitments within the programme. This will be particularly important with the current level of general inflation and specific uncertainties within the construction industry
- The programme may need to be flexed, either in terms of prioritisation of profiling of spend, if difficulties are encountered with cost over-runs

### **10.0 LEGAL IMPLICATIONS**

10.1 The Council is under a statutory duty to ensure that it keeps education and social care provision under review for children and young people who have special educational needs or a disability. The Council must consider the extent to which the provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

### **11.0 EQUALITIES IMPLICATIONS**

11.1 It is anticipated that the programme under discussion within this report will bring significant benefits in terms of improving the accessibility to specialist provision for families of young people with SEMH and Autism needs, and reducing the travelling time required to access provisions. Through developing new provisions, and particularly expanding the range of specialist provisions, there will be a broader range of pathways of support available to families, so that we can more effectively meet the needs of young people and deliver improved outcomes. No adverse impacts have been identified from our initial assessment of the programme.

11.2 The above assessment has been reflected in the Equality Impact Assessment Screening which has been undertaken, and it is proposed that all projects within the programme will be the subject of an individual Equality Impact Assessment.

### **12.0 CLIMATE CHANGE IMPLICATIONS**

12.1 It is proposed that each individual project within the programme will be assessed for Climate Change Implications, given the diverse nature of the projects within the programme.

### **13.0 PERFORMANCE IMPLICATIONS**

13.1 The most critical challenge for the local authority in performance terms is that the programme will assist us in meeting our sufficiency challenge – the table below details that our best estimate is that the programme will deliver an additional 315 places (compared to an estimated requirement of 350 places as discussed in Section 4 of the report).

13.2 However, the computation of 315 places does not assign a specific estimate to the number of places generated by developing additional targeted mainstream provisions – partly because the provisions will support individual young people to follow very different pathways (for example in some instances supporting a pupil to thrive without requiring support of a specialist provision for a longer period of time through to in some instances, enabling a young person to successfully continue their educational journey in a mainstream setting).

Table 5: Capacity increases resulting from proposed programme

Element of programme	Outlay (£000s)	Sep-23	Places Created			Sep-26	Sep-27	Total	Note if no places created
			Sep-24	Sep-25	Sep-26				
Miscellaneous Commitments	1,681							historic investment - places already in baseline	
Woodlands Contingency	250							Scheme generates no additional capacity	
Selby free school	250							100 places already incorporated for this project	
Free school bid contingency	500							additional places accounted for at item 7	
Welburn Hall Temp Accom	300							response to the emergency scenario of the House being out of action from Sept 23	
Further roll-out of Targeted Mainstream Provisions	2,400							see para 6.3. below	
SEMH Free School	0				48	80	120		
Central Secondary Autism provision	3,500		32	80			80		
Springwater	3,100			22	45		45		
Welburn Hall	5,000		10				10		

<b>Sub-Total – EARMARKED RESOURCES</b>	16,481							
PLP Provision	750							to be determined - some work may be required to address existing deficits in provision
Alternative Provision	750							to be determined
Mini-schemes programme	2,000	10	50				60	
<b>TOTAL</b>	<b>20,481</b>	<b>10</b>	<b>92</b>	<b>102</b>	<b>93</b>	<b>80</b>	<b>315</b>	

#### 14.0 RISK MANAGEMENT IMPLICATIONS

14.1 The key risks within the programme identified to date are :-

1. Misalignment of projects/ programme to specific grant programmes and restrictions on the deployment of grant
2. Cost inflation and creep in the specification of projects could result in over-commitment within the programme
3. Delays in delivery of projects resulting in greater financial pressure within the high needs revenue budget
4. Key assumptions regarding future projections of EHCP numbers and key pressure points within the service result in a misalignment of the programme to key areas of demand

14.2 The risks associated with the programming, cost position and profiling of individual projects will be mitigated by the robust monitoring by the internal SEN Capital Board of the profiled spend against all projects and, if necessary, having to defer elements of the discretionary spend programme.

#### 15.0 HUMAN RESOURCES IMPLICATIONS

15.1 The expansion of capacity across our Specialist provision will require the recruitment of additional teaching and non-teaching staff by schools. The funding arrangements for the additional pupils on roll will be in accordance with NYCC High Needs funding arrangements – and staffing decisions will be the responsibility of the individual establishments

#### 16.0 CONCLUSIONS

16.1 As a consequence of our significant challenges in terms of sufficiency of specialist provision, we have developed an SEND Capital programme which is focused on both expanding our overall specialist places, extending the range of targeted mainstream provisions and the availability of suitable local pathways to support young people,

and putting in place specific responses to our two major gaps in provision across the county

16.2. The specific programme that we are seeking approval for is detailed in table 6 below (based upon the discussion in Section 5 of the report)

Table 6 :- Summary of SEND Capital Programme

Project / Allocation Detail	£000s	£000s	£000s
<b>Programmes Already Fully Committed / Approved</b>			
- Previously funded commitments (TMP, etc)	1,681		
- Expansion of Springwater Special School	3,100		
- Temporary Accommodation at Welburn Hall	300	5,081	
<b>Provisions to cover known issues / risks from approved projects</b>			
- Woodlands Academy Schools Rebuild Programme	250		
- Hambleton/Richmondshire Free Special School Highways Works and abnormalities contingency	500		
- Additional Provision for Selby Free School project	250	1,000	
<b>Allocations for Individual Projects - Project detail yet to be approved</b>			
- Further roll-out of Targeted Mainstream Provisions	2,400		
- Central Area Secondary Autism Provision	3,500		
- Welburn Hall – long-term response to buildings failure	5,000	10,900	
<b>Block Allocations :- Prioritisation yet to take place</b>			
- Mini-Schemes Provision	1,500		
- PLP Provision	750		
- Reframing Alternative Provision offer in individual localities	750	3,000	
<b>General Contingency</b>		500	
<b>TOTAL PROGRAMME RESOURCE</b>			20,481

## 17.0 REASONS FOR RECOMMENDATIONS

17.1 As discussed above the programme is designed to address the shortfall the authority has assessed it faces in terms of its sufficiency of specialist provision – but is designed to achieve that in a focused way that enables us to improve the quality and range of provisions available to support young people

17.2 The programme has been designed, reflecting that we have historically had a limited range of provision in comparison to other authorities. There is a recognition that the need for financial sustainability of the high needs budget means that we cannot continuously increase the level of specialist provision capacity in response to increasing demands in the form of increasing numbers of EHCPs. However, in the short-term, unless we can mitigate the

increase in the number of more expensive independent and non-maintained sector placements, then we will restrict the opportunity to create any headroom in the High Needs budget to develop the early intervention and preventative offer necessary to support pupils more effectively.

- 17.3 Also within the programme, we have reflected that there is an imperative to making quick progress in developing additional capacity, and we have attempted to strike a balance between major projects to address strategic gaps in our provision (which by necessity are longer-term projects typically with a three or four year lead-in time) but also developing additional capacity more quickly through more modest scaled projects through the mini-schemes programme

#### **18.0 RECOMMENDATION(S)**

- i) The Executive Member approves the SEND Programme, as set out in paragraph 19.2 (noting that some individual schemes will be the subject of separate subsequent approvals)
- ii) The Executive Member notes the risk mitigation plan set out in section 14 of the report
- iii) The Corporate Director – Children and Young People’s Services is authorised to amend the allocations within the programme subject to reporting progress through the CYPS capital programme

Appendix 1 :- Proposed Capital Programme :- Initial Investment Priorities

Appendix 2 :- Financial Modelling :- Key Assumptions and Scenario Details

Appendix 3 :- EIA Screening Form

#### **Stuart Carlton**

Corporate Director – **Children and Young People’s Services**

County Hall

Northallerton

05 April 2023

Report Author – Mr Martin Surtees

Presenter of Report – Mr Martin Surtees

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

***PLEASE ALSO NOTE THAT IF ANY REPORTS / APPENDICES INCLUDE SIGNATURES THESE MUST BE REMOVED / DELETED PRIOR TO SENDING REPORTS / APPENDICES TO DEMOCRATIC SERVICES. Appendices should include an Equality Impact Assessment and a Climate Impact Assessment where appropriate***

## **Appendix 1 :- Proposed Capital Programme :- Initial Investment Priorities**

As detailed at paragraph 4.3. Table 3 below provides a schedule of the initial investment priorities, with the notes following the table providing further information regarding the individual schemes / allocations

*Table 3: Initial Investment Priorities*

	£000s	£000s	£000s
<b>1 Definitive Commitments</b>			
Miscellaneous Commitments (*1)	1,681		
Woodlands Contingency (*2)	250		
Selby free school (*3)	250		
Hambleton / Richmondshire Free School (*4)	500		
Welburn Hall Temp Accom (*5)	300		
		2,981	
<b>2 SEN Strategic Plan priorities</b>			
further roll-out of Targeted Mainstream Provisions (*6)	2,400		
		2,400	
<b>3. Key Strategic Priorities</b>			
Central Secondary Autism provision (*7)	3,500		
		3,500	
<b>4 Response to critical placement pressures</b>			
Springwater Special school expansion (*8)	3,100		
		3,100	
<b>5 Risk of critical failure</b>			
Welburn Hall (*9)	5,000		
		5,000	
			16,981

### **Notes**

(\*1) A number of smaller value schemes have been progressed over the last couple of years. The commitments figure has been netted off to take account of the previous central government spending round of Special Purpose Capital fund grant allocations – which amounted to £848k. The largest single area of spend has been in relation to the Targeted Mainstream Provision schemes, which have an aggregate spend to date of circa £1.4 million (with schemes typically costing between £200k and £300k where they have involved new build developments, although some schemes have required much less capital investment where they involved the adaptation of existing facilities)

(\*2) An MOU was signed with DfE for the Woodlands SRP project, in order to enable the scheme to proceed within a reasonable timescale This decision was communicated with the DfE Regional Director in September 2022. However, it was considered prudent to include a resource to protect

ourselves against the risk that the Council incurs costs in relation to Highways and Section 278 works.

(\*3) We have included a provision of £250k against further cost increases in the Selby Free School scheme – again on the grounds of prudence, and only to be called upon in emergency circumstances.

(\*4) In the light of the confirmation that the Free School bid for the SEMH Provision in the Hambleton / Richmondshire area has been successful, a provision of £500k has been assigned for Highways / Section 278 works. This is lower than the costs incurred in relation to the Selby Free School scheme – but our assessment is that because the site has previously been a school site, out liability in this area should potentially be lower.

(\*5) As part of the development of proposals to pause residential accommodation at Welburn Hall, we have secured planning approval to install two temporary classroom units at Welburn Hall on the basis that the programme of reactive maintenance works will proceed and that the House building will be out of circulation for two academic years. The cost of the lease rental of these properties alongside some minor enabling works has been estimated at £300k (as per the commentary in the December 2022 Executive report).

(\*6) As discussed above, the capital outlay associated with individual Targeted Mainstream provisions has varied considerably to date. However, our assessment is that schools potentially interested in participating in the programme, with buildings that require minor modification would already have come forward – and therefore, we have assumed an average capital outlay of £300k per provision for future developments. The programme includes a resource for four TMPs to be progressed across each of the next two years.

(\*7) The working assumption is that this development would cater for a capacity of 80 pupils.

(\*8) This particular scheme involves the creation of an additional 45 places at Springwater school through the conversion of spaces currently being used by other parts of NYCC in 68A High street and Meadowbank buildings. The cost envelope also includes the cost of works required at other properties to facilitate the relocation of NYCC teams in the Harrogate area.

(\*9) This resource would enable the heating and drainage works to be undertaken upon the House building so that the House can be restored to full usage for the beginning of the 25/26 academic year and residential provision reinstated. The feasibility study reporting in January 2023 has identified a range of cost permutations for the works dependent upon the precise specification determined from £3.2 million to £4.1 million. The additional resource within the provision is intended to ensure that we have the full range of accommodation necessary for Welburn Hall to operate with a capacity of 120 pupils in the future.



## Appendix 2 :- Financial Modelling :- Key Assumptions and Scenario Details

The key assumptions that have been deployed within the model are:

- That the percentage of requests for assessment being refused before an assessment is undertaken will be at the national average level from previous years of 11%
- That the number of EHCP assessments undertaken but not resulting in an EHCP in the future will remain around the national average level from previous years of 16%
- That in any year where there is an assessed shortfall between the demand for specialist placements and the capacity within specialist placements, that 70% of those placements can continue to be effectively supported within the mainstream sector (with an assumption that additional support equating to one higher banding will be required) and that 30% of those placements will necessitate an independent sector placement to meet the needs of the individual young person
- That for that cohort requiring independent placements from above, that those placements will on average be of four years duration
- That whilst developing targeted mainstream provisions will be invaluable in providing an additional range of pathways, and will support young people in potentially returning to mainstream provision, or either delaying or mitigating entirely the need for specialist provision for a cohort of young people, it was considered too speculative to build the impact of these provisions into the financial modelling. Therefore, the savings generated will be an underestimate of the savings potential available.
- Model does not incorporate inflationary provisions – either in terms of increased cost of commissioned placements or funding allocations the local authority is responsible for, or increased High Needs Dedicated Schools Grant allocations – so there is an effective assumption that income and expenditure inflation will remain in equilibrium
- Given the significant volatility that has been experienced in 2022, when 979 requests for EHCP assessments were submitted to the local authority, after a number of years with a relatively stable trend of circa 700 assessments per annum, we have included three scenarios for future numbers of EHCP assessments

The following specific scenarios have been investigated:-

Scenario 1 :- High ongoing assessment levels – assumed at 900 requests per annum for future years

Scenario 2 :- previous trends :- assumed at 700 requests per annum for future years

Scenario 3 :- optimistic trend :- assumed systems-wide review (potentially facilitated by the Delivering Better Value programme) can reduce requests for assessment to 550 requests per annum for future years

### Appendix 3 :- EIA Screening Form

<p><b>Initial equality impact assessment screening form</b></p> <p>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p>	
<b>Directorate</b>	Children and Young People's Services
<b>Service area</b>	Inclusion Services
<b>Proposal being screened</b>	Special Educational Needs (SEND) Capital Programme
<b>Officer(s) carrying out screening</b>	Martin Surtees
<b>What are you proposing to do?</b>	Implement a broad programme of capital investment (circa £20.5 million to address shortcomings in our specialist provision across the County, and to specifically expand our specialist provision capacity by 315 places (with projects taking between 1 and 5 years to come into operation)
<b>Why are you proposing this? What are the desired outcomes?</b>	To ensure that young people have access to a wider range of specialist provisions so that more young people have access to provisions meeting their specific needs (particularly young people with SEMH needs and Autism needs). In addition, the development of this additional capacity (particularly the roll-out of further targeted mainstream provisions) should ensure that more young people access provisions in their neighbouring localities
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	Investment programme of £20.5 million.
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>• To what extent is this service used by particular groups of people with protected characteristics?</li> <li>• Does the proposal relate to functions that previous consultation has identified as important?</li> <li>• Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</p>	

Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		NO	
Disability		NO	
Sex		NO	
Race		NO	
Sexual orientation		NO	
Gender reassignment		NO	
Religion or belief		NO	
Pregnancy or maternity			
Marriage or civil partnership			
People in rural areas		NO	
People on a low income		NO	
Carer (unpaid family or friend)		NO	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</b>	We currently have concerns that families of young people with significant SEMH needs living in the Hambleton / Richmondshire area can only have their needs met by travelling significant distances to access provision. The development of an SEMH school in this area should mitigate this inequality		
<b>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</b>	We will work closely with partners to ensure that their service offers reach into the new provisions that we are seeking to develop (particularly in relation to Inclusion Support Services, and school medical support)		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	Yes	Continue to full EIA:
<b>Reason for decision</b>	We will undertake individual Equality Impact Assessments for the individual projects within the programme		
<b>Signed (Assistant Director or equivalent)</b>			
<b>Date</b>			

