

REPORT TO CABINET

19 September 2018

Subject:	Proposed expansion of The Westminster School, Rowley Campus, Curral Road, Rowley Regis, West Midlands
Presenting Cabinet Member:	Councillor Simon Hackett - Cabinet Member for Children's Services
Director:	Executive Director of Children's Services – Lesley Hagger Director – Education, Skills and Employment – Chris Ward
Contribution towards Vision 2030:	
Key Decision:	Yes
Forward Plan (28 day notice) Reference:	SMBC03/09/2018
Cabinet Member Approval and Date:	Councillor Simon Hackett - Cabinet Member for Children's Services – 22.8.2018
Director Approval:	Director – Education, Skills and Employment – Yes 22 August 2018
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	This is a public report and does not contain exempt information.
Ward Councillor (s) Consulted (if applicable):	Ward councillors were included in the consultation exercise: Councillors Eaves, Price and Tranter
Scrutiny Consultation Considered?	Scrutiny have not been consulted
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DECISION RECOMMENDATIONS

That Cabinet:

1. Recommend that, having taken the results of consultation into account and notwithstanding any appeal from the local Church of England diocese, the Roman Catholic diocese or the school governing body, approval be given to the prescribed alterations at The Westminster School, Rowley Campus, Curral Road, Rowley Regis, B65 9AN subject to the allocation of capital funding to support the reorganisation of The Westminster School and associated move of Whiteheath Education Centre.

1 PURPOSE OF THE REPORT

- 1.1 To consider the outcome of a statutory consultation exercise following the publication of a proposal to expand the capacity of The Westminster School to 250 places. It is proposed that this is achieved by expanding into the adjoining educational building currently occupied by Whiteheath Education Centre (Alternative Provision). In order to complete this expansion, resources would be allocated to support the re-location of Whiteheath Education Centre to a comparable site (the council's preference being Sandwell Community School – South Tipton Campus). The planned expansion of The Westminster School will lead to more young people with disabilities in Sandwell being able to attend a special school catering for Moderate Learning Difficulties (MLD). This requirement was identified by an independent review carried out on behalf of the Head Teachers' Joint Executive Group (JEG) and the Local Authority. The expansion will increase the council's ability to provide places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with Learning Disabilities.
- 1.2 The decision maker for this proposal is the Cabinet. Decision maker's guidance issued by the Department for Education (DfE) is attached as appendix 3 to this report.

2 IMPLICATION FOR THE COUNCIL'S AMBITION

- 2.1 Ambition 1 – Raising aspirations and resilience. Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.
Ambition 3 – Young people to have skills for the future. Our workforce and young people are skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.

Ambition 4 – Raising the quality of schools. Our children benefit from the best start in life and a high-quality education throughout their school careers with outstanding support from their teachers and families.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 As the population of Sandwell grows so does the demand for school places which also includes the demand for places in our special schools. Having undertaken an independent review (EVOLVE Review 2015-2016) of Special Educational Need (SEN) provision in Sandwell, the council and Joint Executive Headteacher Group JEG have identified the need to increase SEN provision by using the full capacities of our schools, including special schools. Consideration has been given to what additional provision is required and what can be better utilised within our existing schools.
- 3.2 In accordance with the DfE strategy “Preparing for Adulthood”, Young people in Sandwell with SEND have requested that the Supported Internships and Apprenticeships programmes, based at The Westminster School, be expanded so that more young people with special needs can access pathways to employment.
- 3.3 Therefore, it is proposed to expand the capacity of The Westminster School to 250 places to meet the increase in demand for places as the Supported Internship and Apprenticeship programme receives publicity via special schools and support services such as Connexions. It is proposed that this is achieved by expanding into the adjoining educational building currently occupied by Whiteheath Education Centre (Alternative Provision). In order to complete this expansion, resources would be allocated to support the re-location of Whiteheath Education Centre to a comparable site.
- 3.4 The planned expansion of The Westminster School will lead to more young people with disabilities in Sandwell being able to attend a special school for MLD. This requirement was identified by an independent review carried out on behalf of the JEG and the Local Authority. The expansion will increase the council’s ability to provide places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with Learning Disabilities.
- 3.5 The proposed increase in capacity at The Westminster School will:
 - a) Confirm current provision for 7 to 16 year olds; and
 - b) Create space for a bespoke 16 to19 provision that will enable students to extend their studies and access Supported Internships and Supported Apprenticeships.

It's important to note that in 2016 only 48 out of every 100 disabled people were in paid work, whilst 80 out of every 100 non-disabled people were in paid work. The number of people with learning disabilities in work is even lower. The Government's target is to get a million more people with disabilities into employment by 2027. This is approximately a 29% increase on current levels. Sandwell's Supported Internship and Apprenticeship programme has been endorsed by the Government with visits from the DfE and a direct request from the DfE and HMI to expand the programme with immediate effect.

- 3.6 The proposal impacts directly on the Whiteheath Education Centre which will need to relocate to another site. The 40 to 50 young people associated with Whiteheath Education Centre have a range of psychological difficulties and leave at 16 years of age. The psychological difficulties lead to some young people finding it difficult to maintain their studies within mainstream schools. The number on site at Whiteheath can vary depending on the point of entry, re-integration and those exiting the facility throughout the year, especially in the summer term. Currently, there are approximately 24 young people attending the Whiteheath centre, 12 of these young people are on re-integration programmes and 10 are on home-tuition. Some of the 24 young people at the centre attend part-time.

The Inclusion Service in Sandwell will provide ongoing support for the young people at Whiteheath by re-assessing their needs and ensuring that any changes and developments are based on additional support and advice. The Inclusion Service will provide a direct oversight and carefully managed plan for the young people who regularly attend Whiteheath.

The council's preferred option for Whiteheath is that it relocates to Sandwell Community School – South Tipton campus site, Alexandra Road, Tipton DY4 7NR. The Authority considers that this site provides a location for the Centre that has suitable and sufficient accommodation to a similar standard to the Rowley Campus. The unit also forms part of the BSF contract arrangements, which for the Centre, provides a similar facilities management and ICT service as purchased at the Rowley Campus. To mirror the current contractual arrangements as the Rowley Campus this would provide the minimal disruption for the Centre whilst staff can focus on settling pupils in their new setting.

Through the Authority's EVOLVE programme financial support will be identified for any minor re-decoration works, re-location costs, and any BSF fees incurred as a result of the required contract variations.

Operational costs associated with the South Tipton campus are projected to be lower than Whiteheath Education Centre currently pays at Rowley

Campus. So these savings can be re-directed for the benefit of the young people on site i.e., more therapeutic support.

South Tipton campus has capacity for up to 50 young people, and a number of facilities that include:

- Science facilities (laboratory for a small group 6-8 students).
- Art facilities (art room for a small group 6-8 students).
- Food technology facilities (food technology room for a small group 6-8 students).
- Outdoor area with trees and flower beds adjacent to a nursery school.
- A small number of private counselling and consulting rooms for therapeutic work with students. The unit is spacious, quiet and modern and gives a more “mainstream” appearance than current facilities which will assist with re-integration.

Also, the move to the South Tipton campus would save Whiteheath Education Centre an estimated £27,000 on site running costs which could be spent on enhanced provision for young people and allow for expanded services. The Authority would allocate capital resources to support the re-location of Whiteheath.

4 THE CURRENT POSITION

- 4.1 The proposal to expand The Westminster School is deemed to be a prescribed alteration and has required two stages of consultation with stakeholders. This consultation has now concluded and a decision is required by the Cabinet no later than two months after the end of the representation period. If agreed, the date of implementation will be 1 January 2019.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 An initial consultation process began in January 2018 but was cancelled so that the consultation document could be further developed to provide more detail about options and implications for the proposed relocation of Whiteheath Education Centre.
- 5.2 The consultation process was restarted on 11 May 2018 and ran for five weeks until 15 June. The following stakeholders were consulted:

The Governing Body of The Westminster School, parents of children at the school, members of staff, Whiteheath Education Centre, all Sandwell schools, local ward councillors, the local authorities of Birmingham, Wolverhampton, Dudley and Walsall, Church of England and Roman Catholic diocesan authorities, members of the community including Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS), Local businesses, Autism West Midlands, Joint Union Panel.

- 5.3 The consultation elicited a positive response with a large majority supporting the proposal.

Category	Number Responding	Yes (to the proposal)	No (to the proposal)	Don't know
Parents	76	68	5	3
Staff	63	63	0	0
Student	114	110	1	3
Governors	6	4	2	0
Community member	401	397	4	0
TOTAL	660	642	12	6

- 5.4 A letter was received at this stage from the Chair of the Management Committee of Whiteheath Education Centre who was not in favour of the proposal. A copy of her letter is attached in appendix 2 to this report.
- 5.5 In accordance with prescribed regulations the council then proceeded with the proposal to the statutory stage of consultation. This involved the publication of a formal proposal (see appendix 1) and a statutory notice on 25 June 2018. The representation period lasted 4 weeks during which time any objections or observations could be made to the council. At the expiry of the representation period on 23 July 2018, 17 letters of objection were received from parents of students attending Whiteheath Education Centre. All letters shared a common concern –that the Whiteheath Education Centre in its current building had supported pupils across a number of year groups and such pupils had been reassured and supported by a building that was purpose built, quiet, open and different to a mainstream school. The preferred option of the South Tipton campus for the relocation was perceived by these parents to be darker, smaller and potentially disruptive as a result of being overlooked by a day nursery and secondary school. A template of the letter, signed by the 17 parents, is attached in appendix 3.

6 ALTERNATIVE OPTIONS

- 6.1 To not proceed. This would prevent the council from meeting the needs of an increasing number of SEN pupils, and stop the provision of more MLD places and the opportunity to provide places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with Learning Disabilities.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The cost of the project will be met from within the EVOLVE initiative which is a strategic plan that takes the Local Authority through to the council's Vision 2030 and establishes additional places and routes to employment for young people with SEND. The DfE has allocated the council funding to improve specialist provision for young people. This funding will be sufficient to cover the project costs.
- 7.2 Subject to Cabinet approval to the report recommendation, a further report will be submitted to the October meeting of Cabinet seeking approval to allocate SEND capital grant resources to support the expansion of The Westminster School and associated move of Whiteheath Education Centre.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Statutory consultation was carried out in accordance with guidance issued by the Department for Education entitled "School Organisation Maintained Schools – Guidance for Proposers and Decision Makers" written in accordance with School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and (Establishment and Discontinuance of Schools) Regulations 2013 that came into force on 28 January 2014.
- 8.2 The decision-maker for this proposal is the Local Authority's Cabinet who must decide on the proposal within two months of the end of the representation period or the decision defaults to the Schools Adjudicator. The representation period ended on 23 July 2018.
- 8.3 The following bodies may appeal against the LA decision within four weeks of the decision:
- the local Church of England diocese;
 - the local Roman Catholic diocese;
 - the school governing body.

On receipt of an appeal from any of the above, the local authority would need to send the proposal, comments and objections to the School Adjudicator for final determination.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment initial screening has been undertaken following which a full Equality Impact Assessment has been completed.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Any new students taken on roll as a result of this proposal will be subject to the usual data protection measures employed by the school.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no crime and disorder issues relevant to this proposal.

The Corporate Risk Management Strategy (CRMS) has been complied with. The Cabinet has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to make a decision on a prescribed alteration proposal. Based on the information provided, it is the officers' opinion that there are no current "red" risks that need to be reported with regards to this proposal.

The recommendation if approved, will contribute to the mitigation of the strategic risk in 040 in respect of school place planning which is currently assessed as red.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The proposed increase in students as a result of the expansion will be sustained as pupil numbers increase across the borough.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 Further to new SEND legislation, the council has identified the need to increase SEN provision by using the full capacities of its existing schools. This proposal allows the council to better utilise space within an existing community special schools and increase the council's ability to provide places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with Learning Disabilities. This will aid health and wellbeing for the local community.

14 **IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

- 14.1 The freehold interest in the site of the Rowley Campus, where both The Westminster School and Whiteheath Education Centre are located, is held by the council.

The school and centre were built as part of the Rowley Campus, a Private Finance Initiative, for which each establishment is required to pay an ongoing service fee for facilities management and ICT services.

The freehold interest in the site of the South Tipton Campus is held by Sandwell Land and Property Ltd (SLaP). If the centre is to relocate, the management committee of Whiteheath Education Centre would become responsible for the ongoing facilities management and the ICT service fee would remain the same as it is based on pupil numbers.

- 14.2 There is no planned alteration to the land holding arrangements for either the council, or SLaP as a result of the report recommendation. Consent of the PFI operator for the Rowley Campus, or SLaP as Landlord for the South Tipton Campus will be required for any significant change to the buildings to be occupied by the school and centre.

15 **CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 The planned expansion of The Westminster School responds directly to new SEND legislation and will lead to more young people with disabilities in Sandwell being able to attend a special school for MLD. This requirement was identified by an independent review carried out on behalf of the JEG and the Local Authority. The expansion will enable the council to implement the Department for Education's strategy "Preparing for Adulthood" by providing places on the Supported Internship and Apprenticeships programme leading to increased employment opportunities for young people with Learning Disabilities.

16 **BACKGROUND PAPERS**

- 16.1 None

17 **APPENDICES:**

Appendix 1 – Full statutory proposal information for prescribed alterations to The Westminster School

Appendix 2 – Letter received from the Chair of the Management Committee of Whiteheath Education Centre

Appendix 3 – Letter of objection signed by 17 parents

Appendix 4 – Statutory guidance for decision-makers