

Cabinet Meeting

8 November 2016

Report title	Final Decision Regarding Resource Base Provision at Bushbury Hill Primary School	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Claire Darke Education	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Julien Kramer, Education	
Originating service	School Planning and Resources	
Accountable employee(s)	Bill Hague Tel Email	Head of School Planning and Resources 01902 555100 bill.hague@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	25 October 2016

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Formally consider, in accordance with statutory guidance, the outcomes of the Initial Consultation and Formal Consultation (Representation) on the proposed formal removal of Bushbury Hill Primary School's Resource Base.
2. Approve the formal removal of the resource base provision at Bushbury Hill Primary School.

1.0 Purpose

- 1.1 This report details the outcomes of Initial Consultation and Formal Consultation (Representation) on the proposed formal removal of Bushbury Hill Primary School's Resource Base. The paper seeks approval to implement the proposed prescribed alteration.

2.0 Background

- 2.1 As outlined within the approved Joint Special Educational Needs and Disabilities Strategy, the Council are seeking to promote inclusion, maximise young people's opportunities to be independent and enable young people with Special Educational Needs and Disabilities to be recognised as fully integrated citizens with the ability to contribute to their local community.
- 2.2 Council representatives are currently undertaking a review of specialist provision across the City. However, in light of the local circumstances facing Bushbury Hill Primary School the proposed removal of Bushbury Hill Primary School's resource base has been expedited.
- 2.3 On 8 June 2016, Cabinet approved the commencement of a period of Initial Consultation on the proposed formal removal of the resource base at Bushbury Hill Primary School for pupils with Social, Emotional and Mental Health (SEMH) difficulties.
- 2.4 Cabinet delegated authority to the Cabinet Member for Education, in consultation with the Director of Education, to consider the outcome of Initial Consultation on the proposed formal removal of the resource base at Bushbury Hill Primary School and to determine whether or not to proceed to Formal Consultation (Representation).
- 2.5 Initial Consultation commenced on 27 June 2016 and concluded on 24 July 2016. In August 2016, the outcome of Initial Consultation was considered by way of an Individual Executive Decision Notice, and progression to Formal Consultation (Representation) was approved.
- 2.6 Formal Consultation (Representation) commenced on 12 September 2016 and concluded on 9 October 2016.

3.0 Bushbury Hill Primary School

- 3.1 Bushbury Hill Primary School (located within the Fallings Park Ward) is registered as a community primary school with resource base provision for pupils with SEMH difficulties. It is an improving school with strong leadership judged 'Good' by Ofsted; however in 2015 the School failed to obtain the Government's Key Stage 2 Floor Standards and outcomes for disadvantaged pupils were below expectations.

3.2 The School faces a number of existing challenges including:

- The School is located in an area within the top 10% for both the Overall Indexes of Deprivation and the Income Domain Affecting Children Index (2015 DCLG).
- A high proportion of pupils in receipt of Deprivation Pupil Premium (69% in 2015/16, which equates to nearly three times the national average).
- A high proportion of pupils requiring SEND support (25.6% in January 2016).
- Higher than average exclusion rates.

3.3 In response to these challenges the Council amended the School's local classification to B2 and established a School Improvement Board in order to support a rapid improvement in outcomes. Please note that given the increased proportions of children achieving the Early Years 'Good Level of Development' and increased proportions of children reaching the standard of the Y1 phonics check in 2016, the School's classification was amended to B1 in September 2016. Senior leadership in school is strong; however governance and middle leadership remain a focus in order to secure further improvements. Attainment in school in 2016 was below national levels in EYFS (GLD), KS1 (reading and maths) and KS2 (reading, writing and maths), progress from KS1 to KS2 was similar to national levels in writing and maths but was significantly below national averages in reading. The historic challenges continue to impact on school performance.

3.4 The Governing Body of Bushbury Hill Primary School have determined that it would be beneficial for the School to cease offering resource base provision in order to allow more time to focus on teaching and learning and maximise opportunities to close the gap.

3.5 In light of the challenges that Bushbury Hill Primary School is facing it is recommended that a proactive approach is adopted and that the resource base is removed in order to allow the School to focus on continuing to improve standards. It is proposed that the ten place resource base for pupils with SEMH difficulties at Bushbury Hill Primary School be removed with effect from 1 January 2017.

3.6 The Council have not commissioned any resource base places within the School for the 2016/17 financial year and there are no children on the Placement Forward Planning List seeking a place at the School. No children would be displaced as a consequence of this proposal.

4.0 Statutory Consultation and Decision Making Processes

4.1 When proposing prescribed alterations to schools local authorities must follow statutory consultation and decision making processes as detailed within DfE statutory guidance (Making 'Prescribed Alterations' to Maintained Schools (DfE April 2016) and Guidance for Decision-Makers (DfE April 2016)).

4.2 The following process has been undertaken in relation to this proposal:

- 27 June 2016 – 24 July 2016 (Initial Consultation)

Consultation with stakeholders including parents, staff and governors regarding the proposal.

- August 2016 – Individual Executive Decision Notice
Consideration given to the responses to Initial Consultation and approval given to proceed.
- 12 September 2016 (Stage 1 - Publication)
Statutory Proposal and Public Notice published.
- 12 September 2016 – 9 October 2016 (Stage 2 – Representation)
Formal Consultation (Representation) period – offers stakeholders a formal opportunity to submit comments on the proposal.
- 8 November 2016 (Stage 3 – Decision)
Cabinet consider the outcome of consultation and make a final decision on the proposal in line with the published Statutory Guidance for Decision-Makers (DfE April 2016).
- 1 January 2017 (Stage 4 – Implementation)
If approved, the proposal would be implemented.

4.3 As detailed within the DfE's statutory guidance the Council is the decision making body with regard to proposals to establish, remove or alter SEN provision within mainstream community schools.

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

4.5 There are a number of factors that Cabinet are required to have regard to when making decisions on the proposals. DfE statutory guidance for decision-makers can be found within Councillors' Supporting Information Packs.

4.6 Decision-makers must consider all the views submitted, including all support for, objections to and comments on the proposal. All responses to consultation are included within Councillors' Supporting Information Packs.

4.7 When issuing a decision, Cabinet can:

- Reject the proposal;
- Approve the proposal without modification;
- Approve the proposal with modification;
- Approve the proposal (with or without modification) subject to certain conditions being met.

4.8 The following bodies may appeal to the Schools Adjudicator within four weeks of the decision being made:

- The local Church of England diocese
- The local Roman Catholic diocese.

5.0 Outcome of Consultation

- 5.1 Initial Consultation commenced on 27 June 2016 and concluded on 24 July 2016. Consultees included; parents/carers of pupils attending Bushbury Hill Primary School, members of staff at Bushbury Hill Primary School, the Governing Body of Bushbury Hill Primary School, members of Children, Young People and Families Scrutiny Panel, Trade Union representatives, Fallings Park Ward Councillors, local diocesan authorities and headteachers in Wolverhampton.
- 5.2 15 written consultation responses were received by the City of Wolverhampton Council during Initial Consultation. Respondee included; members of Bushbury Hill Primary School's Governing Body, members of staff at Bushbury Hill Primary School and representatives of local schools.

Number of Responses	Respondents in favour of the proposal	Respondents who do not agree with the proposal
15	14 (93%)	1 (7%)

Copies of all consultation responses are available to Councillors within accompanying Supporting Information Packs.

- 5.3 A number of positive comments regarding the proposal were received during Initial Consultation including:
- "Fully supportive given already difficult challenges facing the school" (response 1 – Headteacher of a local school)
 - "I feel without the base we can make more of an impact and help our most vulnerable children" (response 12 - member of staff at Bushbury Hill Primary School)
 - "I believe it is in the best interests of all children at Bushbury Hill Primary School that the Resource Base provision is removed due to the negative impact and challenges it creates for everyone involved" (response 15 – member of staff at Bushbury Hill Primary).
- 5.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:
- "Watering down this provision by disbanding the RB would mean a lack of expertise to support the progress & well-being of these pupils" (response 2 – Chair of Governors and Headteacher of a local school)
 - "It is to be hoped that any pupils who may, in the future, would be being considered for placement in the base will be found places in a suitable environment to ensure

that their on-going needs will be met more than adequately” (response 3 - member of the Governing Body at Bushbury Hill Primary School).

- 5.5 Formal Consultation (Representation) commenced on 12 September 2016 and concluded on 9 October 2016. A Statutory Notice was published in the Express and Star Newspaper, the proposal was publicised via the Wolverhampton ONE City Engagement Database and consultation documentation including copies of the Statutory Notice and the Full Proposal was circulated to consultees. Consultees included; the Governing Body of Bushbury Hill Primary School, members of Children, Young People and Families Scrutiny Panel, Trade Union representatives, Fallings Park Ward Councillors, local diocesan authorities and representatives of neighbouring local authorities. Please note that copies of consultation documentation, the Statutory Notice and the Full Proposal are included within Councillors’ Supporting Information Packs.
- 5.6 No responses were received by the City of Wolverhampton Council during Formal Consultation on the proposed removal of the resource base at Bushbury Hill Primary School.
- 5.7 With regard to the considerations and concerns highlighted during consultation, council representatives would like to highlight that the Council is currently undertaking a City-wide SEND Review in order to develop well-planned and forward-looking provision that enables all children and young people to access local educational provision which meets their needs.
- 5.8 As part of the SEND Review, the Council acknowledges the need to provide a varied approach to meeting the needs of pupils identified as having Social, Emotional and Mental Health difficulties; such an approach will recognise the need to support best practice in building the resilience of all schools in meeting the needs of the most vulnerable pupils with minimum transitions in their educational pathway, and where appropriate early identification of long-term specialist educational provision.
- 5.9 The Council is aware that the School continue to support capacity-building across the City through the provision of shared CPD opportunities and working relationships with many schools; in identifying the future form of SEMH provision across the City, the Council is mindful of the skills and expertise of the staff at Bushbury Hill Primary, and will continue to work in strong partnership with the School in identifying any potential future role in school-to-school support.
- 5.10 Approval of the formal removal of the resource base provision at Bushbury Hill Primary School is recommended.

6.0 Financial implications

- 6.1 In 2015/16 Bushbury Hill Primary School attracted £136,244 funding for this provision based on ten places at £10,000 per place plus an additional £36,244 top up funding based on the needs of individual pupils. In 2016/17 this funding has been withdrawn from

Bushbury Hill Primary School and has been used to support other priorities within high needs provision for 2016/17.

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7.0 Legal implications

- 7.1 When exercising functions under 'The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013' and 'The Education and Inspections Act 2006 – as amended by The Education Act 2011', the Council must follow statutory guidelines detailed within 'Making Prescribed Alterations to Maintained Schools – Statutory Guidance for proposers and Decision Makers' (DfE April 2016) and 'Guidance for Decision-Makers – Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals' (DfE April 2016).
- 7.2 A statutory process is required when it is proposed to establish, remove or alter provision recognised by the Council as reserved for pupils with Special Educational Needs.
- 7.3 Such processes require compliance with the prescribed provisions to ensure sufficient consultation is undertaken and that relevant stakeholders are notified of proposals or decisions in a timely manner.

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8.0 Equalities implications

- 8.1 A full equality analysis has been completed with regard to this proposal. This analysis is included within Councillors' Supporting Information Packs. In line with the prescribed decision making process decision makers are required to pay due regard to this analysis.

9.0 Environmental implications

- 9.1 There are no environmental implications arising from this report.

10.0 Human resources implications

- 10.1 There are no human resource implications arising from this report.

11.0 Corporate landlord implications

- 11.1 The new build that replaced the former Bushbury Hill Primary School building was designed to accommodate far fewer children as part of a rationalisation of the school estate at that time. The new build was designed as a one form entry primary with nursery, but it did also make allowance for a resource base within that design. Subject to approval, a small teaching space would be made available along with a few small support spaces originally dedicated to the resource base. These spaces are integral to the school's design and do not stand alone. Subject to approval, these spaces would be

utilised to support all children and staff within the school for small groups, 1 to 1 tuition, staff preparation and also to host visiting professionals. The above demonstrates the areas would be put to good use and raises no concerns from a Corporate Landlord perspective.

12.0 Schedule of background papers

- IEDN (August 2016) Resource Base Provision at Bushbury Hill Primary School – Outcome of Initial Consultation
- Cabinet (8 June 2016) Resource Base Provision at Bushbury Hill Primary School
- Cabinet (24 February 2016) Joint Special Educational Needs and Disabilities Strategy.