

Open Report on behalf of Debbie Barnes, Director of Children's Services

Report to:	Councillor Mrs P A Bradwell, Executive Councillor: Adult Care and Health Services, Children's Services
Date:	8 August 2014
Subject:	Proposal to amend the age range of Ash Villa School, Sleaford (final decision)
Decision Reference:	I006623
Key decision?	Yes

Summary:

This report concerns the proposal to amend the age range at Ash Villa School, Willoughby Road, Greylees, Sleaford, NG34 8QA from 11–16 years to 11-18 years with a proposed implementation date of 1 September 2014. The proposal is being put forward to enable the hospital school to support all inpatients at the Ash Villa Hospital unit.

It is the Local Authority's (LA) statutory duty to maintain a sufficient number of suitable school places in Lincolnshire. Following statutory consultation, if the proposal is approved, the age range will be amended with effect from 1st September 2014.

The LA is co-ordinating the process following statutory guidance from the Department for Education (DfE) regarding "[School organisation \(maintained schools\)](#)" in accordance with the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Consultation commenced on 27 February 2014 with a four week period of consultation which closed on 27 March 2014 and is further referred to later in this report in the Consultation section. Following the consultation period the decision was taken on 30 April 2014 to publish a Statutory Notice on 28 May 2014. This initiated a four week Representation Period up to 25 June 2014 when written objections and comments may be submitted. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal within 2 months of the end of the Representation Period (by 25 August 2014).

This report seeks to advise the Executive Councillor on making the final decision regarding the proposed amendment to the age range at the school.

Recommendation(s):

Following the completion of the statutory process, in accordance with current legislation, the Executive Councillor is recommended to take the final decision to approve the proposal to amend the age range at Ash Villa from 11 – 16 to 11 – 18 years with effect from 1 September 2014.

Alternatives Considered:

1. That the council retains the age range at the school as 11 – 16 years and the consultation process is stopped. This would mean that the school would continue as it is currently and there would be no further consultation on amendment to the age range at Ash Villa.

However, the above alternative would have the following disadvantages:

There would potentially be insufficient available specialist school places in this area of Lincolnshire and the LA may be unable to comply with its statutory duty to ensure that there are sufficient suitable school places.

Not to proceed with this proposal would lead to an inability to meet obligations with regard to the post-16 education of the patients at Ash Villa Hospital. Because of the limitations imposed by their mental health conditions and the structure of their therapeutic regimes, alternative placements are not viable except as partnerships with Ash Villa School or as part-time placements closely supervised by it. The most likely scenario, most of the time and for most pupils, is that the large part of their post-16 education will need to be delivered by the hospital school itself.

Without the school being authorised to deliver post-16 education, the standards achieved by students would be severely impacted upon and the life chances of young people harmed. Pre-existing “home” placements might be lost and transition to new placements fail, leading to young people, after discharge, being not in employment, education or training. Even for those young people able to affect a return to a pre-existing placement, their achievement would be likely to be adversely affected without having continued their post-16 education as fully as possible during their hospital stay. To achieve educational success is an important element in the emotional well-being of all young people and has enhanced significance for the patients at Ash Villa Hospital, who have suffered high level mental health problems.

2. That the council retains the school as it is at present with no amendment to the age range, the consultation process is stopped and the LA looks to other schools in the surrounding area to implement the changes required.

As indicated in Section 1 (Background), the specialist nature of the

educational provision at Ash Villa (it is the only Tier 4 establishment in the county) means that alternatives for providing post-16 education for the in-patients at Ash Villa Hospital are not available. The young people placed there require educational provision that is complementary to and closely integrated with their medical treatment and that has the specialist capacity to be fully responsive to the over-riding imperatives of therapy. Whilst other local provision could be drawn-upon as part of a young person's overall educational programme, this would only be feasible within a core programme "owned" and delivered by Ash Villa School.

The proposal has the support of the Headteacher and Governing Body and also the School Improvement Service (CfBT) which is confident that the school has the strong leadership and management required to drive forward a successful change and provide the opportunity to improve the learning experience and outcomes for the children.

Reasons for Recommendation:

To enable the LA to meet its statutory obligation to ensure that students at Ash Villa School receive the post-16 education required for all young people since the raising of the participation age.

A small increase in total pupil numbers and authorisation to provide post-16 education will allow Ash Villa School to meet the needs, as now required in statutory terms, of some of the most vulnerable young people in the education system. The specialist nature of the hospital and the practical considerations of residential placement and therapeutic programmes mean that the hospital school has either to deliver post-16 education directly or to be the facilitator, co-ordinator and lead partner in any shared arrangements.

To ensure that the provision of school places is planned so as to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. This proposal will both enhance the quality of provision and sustain local provision of statutory secondary education.

The LA considers the proposal to be the best available solution to the provision of post-16 education for the in-patients at Ash Villa Hospital school.

1. Background

The Ash Villa Hospital unit provides inpatient care for young people experiencing mental health difficulties. The age range of inpatients admitted to the unit is 11-18. Due to the differing age ranges of Ash Villa School and the unit, the school is currently unable to provide formal educational support to those young people attending sixth-form or college (post-16 education) prior to admission.

In addition, a number of young people on the unit who are above the school's current age range are not in any formal education, employment or training prior to admission. Raising the age range of Ash Villa School would enable work to take place with these young people, to try and re-engage them with education and potentially lead to more successful outcomes post-discharge.

The county has two hospital schools: Pilgrim Hospital and Ash Villa. The former meets needs at Tier 3 and is non-residential. Ash Villa is residential and meets the more acute needs assessed as requiring Tier 4 provision. There is no other establishment of Ash Villa Hospital's type in the county. The length of stay is extremely variable, from a few weeks to as much as a year, and this is a further complicating factor in delivering education to post-16 students.

Key components in the educational programmes at Ash Villa School, for students of all ages, are to maintain continuity as much as possible during highly disrupted and traumatic stages in their lives. Wherever possible, the plan is to sustain home placements by close liaison with the original school or college and the delivery of teaching that is fully complementary. Where a young person, for any reason, lacks a viable home placement, Ash Villa School endeavours to identify one and to provide effective transition into it.

The school is very small, currently funded for 9 students (although there is the usual provision for meeting some additional numbers with in-year adjustments). Statistics for the academic year 2012-13 suggest that the number of post-16 students would be a total of approximately 4 in an average week.

Reaching the decision – Preliminary Considerations

The requirements for decision making relating to school organisation in LA Maintained schools are set out in Annex B of the guide "School Organisation Maintained Schools January 2014" published by the DfE.

The DfE does not prescribe the exact process which a decision maker should follow but the decision maker must have regard to this guidance. The decision maker should consider the views of those affected by the proposal and should not simply take account of the numbers of people expressing a view but give greatest weight to those stakeholders most likely to be affected and especially the parents of children at the school concerned.

Factors to be considered by Decision Makers

The Consultation and Representation Period

The Executive Councillor must be satisfied that the appropriate consultation and representation periods have been carried out and that all of the responses received have been given due consideration.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states "a strong expectation on schools and LAs to consult interested parties in developing their

proposal prior to publication". The LA conducted a four week period of pre-consultation to fulfil this expectation and also to operate a fair and open process and ensure all views were considered. A Statutory Notice and Complete Proposal, initiating a four week Representation Period, were published in accordance with current statutory requirements.

Responses submitted during both the Consultation and Representation Period have been made available to the Executive Councillor for consideration when taking the final decision and further details of these responses are provided in section 5 of this report (**Consultation**).

Education standards and diversity of provision

The Executive Councillor should consider the quality and diversity of educational provision in the area and be satisfied that the proposal will meet the aspirations of parents, contribute to raising local standards of provision and lead to the narrowing of attainment gaps. The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live.

The most recent Ofsted report following an inspection at the school was published in September 2012 and evaluated the school overall as "Good".

As detailed earlier in this report (Alternatives considered) without the school being authorised to deliver post-16 education, the standards achieved by students would be severely impacted upon and the life chances of young people harmed. Pre-existing "home" placements might be lost and transition to new placements fail, leading to young people, after discharge, being not in employment, education or training. Even for those young people able to affect a return to a pre-existing placement, their achievement would be likely to be adversely effected without having continued their post-16 education as fully as possible during their hospital stay. To achieve educational success is an important element in the emotional well-being of all young people and has enhanced significance for the patients at Ash Villa Hospital, who have suffered high level mental health problems.

The LA believes that this proposal provides the best option to maintain and improve standards of attainment with an enhanced quality of education for current and future children who need to be inpatients at the hospital.

Demand

The Executive Councillor must consider the evidence presented for any projected demand and the decision must also take into account parental preference.

There is no other establishment of Ash Villa's type in the county. The school is currently unable to provide formal educational support for young people attending post-16 education prior to admission to the hospital unit. Raising the age range would also enable the school to work with young people in the unit who are not in any formal education, employment or training.

School size and admission arrangements

Assumptions that schools should be of a certain size to be a good school should not be made although the viability and cost-effectiveness of a proposal is an important factor in the decision-making process.

The school is very small, currently funded for 9 students (although there is the usual provision for meeting some additional numbers with in-year adjustments). Statistics for the academic year 2012-13 suggest that post-16 students would be a total, in an average week, of approximately 4. Admissions to the school are only made in respect of young people who are in-patients at Ash Villa Hospital. With regards to costs and value for money: although hospital school funding is distinct from general special school funding, due regard has been given to the special funding bands in Lincolnshire which are in turn an expression of the government's formula for special schools funding.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption.

Ash Villa School currently follows the National curriculum and will continue to do so if the proposed amendment to the age range is approved.

Equal Opportunity

The LA must have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations and should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

There are no sex, race or disability discrimination issues arising from this proposal. Further, if approved, the proposal will enable educational provision to be offered to more young people.

In all educational provision the LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the relevant area while ensuring that such opportunities are open to all.

Community cohesion

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths

and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

The school is the only one of its type in the county and will continue to provide education to in-patients at the hospital unit. This provision is open to meet the needs of all young people of Lincolnshire who may require in-patient care and therefore the school will continue to provide for young people from varied backgrounds.

Travel and accessibility

The proposal to amend the age range at the school will not have a significant impact on travel or accessibility in that all pupils will be in-patients at the hospital unit.

Capital

No land, premises or capital investment will be required to implement the proposal.

School premises and playing fields

There will be no implications regarding outdoor space if the proposal to amend the age range is approved.

Special Educational Needs (SEN) Provision and SEN Improvement Test

If the proposal is approved there is likely to be an improvement to SEN provision in that education will be provided for a wider age range. The LA will continue to ensure suitable provision for all children with special educational needs and look to make improvements in the standard, quality and/or range of the education provision for children with SEN and so meet the Special Educational Needs Test.

Addition of post-16 provision

The decision-maker should look for evidence that a proposal to add post-16 education will improve, extend the range and increase participation in high quality educational training opportunities and how the new places will fit within the 16 – 19 organisation in the area.

As confirmed above there is no other establishment of Ash Villa's type in the county and raising the school age will extend the range of and participation in provision.

2. Conclusion

The final decision is required from the Executive Councillor to determine whether to approve the proposal to amend the age range at Ash Villa School. The factors to consider in making this decision are within this report and all valid responses received must be considered.

The LA believes this proposal to be in the best interests of Lincolnshire children and parents as well as educational provision in Lincolnshire and it supports the council's aim of ensuring that as many children as possible can reach their full potential. It also enables the LA to fulfil its statutory duty of ensuring that there are sufficient suitable places to accommodate all pupils in Lincolnshire.

It is recommended that the proposal is implemented to ensure the best educational opportunities for the children of Lincolnshire. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the executive councillor, are fully set out in the report.

4. Resource Comments:

If the decision to amend the age range is approved, the future additional revenue costs will be funded from the Dedicated Schools Grant.

5. Consultation

In order for the school to amend the age range at the school the LA must follow the guidance of the DfE as detailed in the statutory guidance from the Department for Education (DfE) regarding "School organisation (maintained schools)" in accordance with the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Although there is no statutory requirement for consultation under the new regulations, this is considered good practice.

The LA should ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation documentation must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and including parents, the Chief Executive of the District Council, the Parish Clerk of the local Parish Council as well as individual councillors as appropriate.

A letter incorporating relevant information and reasons for the proposal was sent out to interested parties on 27 February 2014 to commence a four week period of consultation. Individual meetings were offered to anyone interested to meet with representatives of the LA at the school to ask questions and raise any concerns but no appointments were taken up. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form attached to the consultation letter by 27 March 2014. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage "Current Consultations" on <http://www.lincolnshire.gov.uk/schoolorganisation>

The written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in the appendix attached to the background report. To briefly summarise, however, there were 5 valid responses in total with none against the proposal.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 30 April 2014 to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 28 May 2014 commencing with the publication of the Statutory Notice (Appendix A) in the local press, on the Lincolnshire County Council's website and at the school entrance. The Complete Proposal, available in paper and electronic format (Appendix B) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website under the webpage 'Current Consultations' at www.lincolnshire.gov.uk/schoolorganisation. The Representation Period provides a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken. No responses were submitted during the Representation Period.

Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a final decision in August. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the amendment to the age range from 11 – 16 years to 11 – 18 years at Ash Villa School with effect from 1 September 2014 if it is decided to proceed.

a) Has Local Member Been Consulted?

Yes the local member has been made aware of the proposals to amend the age range.

b) Has Executive Councillor Been Consulted?

Yes the Executive Councillor has been involved in the discussions regarding the proposals to amend the age range.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee will consider this report at its meeting on 25 July 2014. Comments from this meeting will be presented to the Executive Councillor for Adult Care, Health and Children's Services on 8 August 2014.

d) Policy Proofing Actions Required

An Impact Assessment has been completed. In summary the analysis indicates that there will be no significant negative impact arising out of the Executive Councillor's decision. However, if the proposal is approved there will be the potential for a positive impact in that it will likely lead to improved educational success which is an important element in the emotional well-being of all young people and in particular for the patients at Ash Villa School.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Statutory Notice
Appendix B	Complete Proposal

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report on the proposal to amend the age range children at Ash Villa School	Lincolnshire County Council Committee Records Reference 1006622 30 April 2014
The DfE guide "School Organisation Maintained Schools Guidance for proposers and decision-makers" January 2014 with attached Annex A and B	https://www.gov.uk/government/publications/school-organisation-maintained-schools

List of interested parties; letter to commence consultation; the blank consultation response form; and the responses received from all interested parties.	All available on request from the Property and Technology Management Team, Corporate Property, Lincolnshire County Council
Impact Analysis	Available on request from the Property and Technology Management Team, Corporate Property, Lincolnshire County Council

This report was written by Michelle Andrews, Head of Service, Property and Technology Management who can be contacted on 01522 553269 or Michelle.andrews@lincolnshire.gov.uk