

CABINET MEMBER FOR EDUCATION – 11 JUNE 2012

FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO ALTER THE LOWER AGE LIMIT AT WOODEATON MANOR SCHOOL

Report by Director for Children's Services

Introduction

1. At the meeting on 13 March 2012 the Cabinet agreed to support the governors at Woodeaton Manor School in their publication of formal proposals to alter the lower age limit of the school to admit Key Stage 2 primary age pupils. The report outlining the basis for this decision is attached at Annex 1.
2. The statutory notice (attached at Annex 2) was published in the Oxford Mail on 23 March 2012 and expired following 4 weeks of formal consultation on 4 May 2012. In accordance with legislation the notice was also posted at the school gate and sent to local libraries. A copy of the full proposal (attached at Annex 3) and the notices were sent to the governing body and the Secretary of State and additionally made available on the Oxfordshire County Council website.
3. The decision-making power in terms of determining the notice lies with the Cabinet or can be delegated to the Cabinet Member for Schools Improvement (if there have been no objections). In meeting as 'decision-maker' the Cabinet or Cabinet Member must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration. The Cabinet decision must be made within 2 months of the close of the notice period; as a consequence, it is necessary for the Chairman of the Council to determine that the decision cannot be subject to 'call-in' as this would, in most cases, prevent a decision being finalised within the required timescale and mean that the Cabinet's role would be negated by referral to the Schools' Adjudicator.
4. The decision is referred to the Cabinet Member for Schools Improvement. The proposed implementation date for the proposal is 1 September 2012.

The Proposal

5. Woodeaton Manor School is a Special School which provides education for children and young people aged 11 to 18 years old. It is designated as a special school for pupils with behavioural, emotional and social disorders (BESD), but has a particular focus on those with emotional and social difficulties. The vast majority of pupils have autistic spectrum disorders. The proposal is by the Governing Body, as Woodeaton Manor School is a Foundation school and is to lower the age range of the school to admit a class of primary age pupils (aged 7 to 11) with the same type of special needs as the existing pupils at the school. The Governing Body hopes that in

addressing the particular needs of these children at an earlier age, the scope for quicker educational advancement and better individual outcomes would be improved.

6. The proposal will provide access to appropriately trained staff and to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community. This type of specialist support may not otherwise be available to the particular child at a mainstream primary school.
7. More primary school places are needed in Oxfordshire for children with BESD. The current pressure on places can lead to a delay before children receive the specialist care and support that enables them to thrive and achieve their full potential. The proposal is to lower the school's age range to admit a class of six Key Stage 2 primary age children each year starting in 2012.
8. The County Council supports the Governing Body's proposal in terms of creation of additional pupil places to meet Basic Need. In line with the supplementary guidance 'Planning and developing special educational provision' the Council has considered the outcomes of the proposal and considers them as a good fit with the aims of the Every Child Matters framework and the Children & Young People's Plan. The outcomes mean that more children with special educational needs will be able to stay safe in an environment designed for them, enjoy and achieve in their school life, be able to learn to look after themselves appropriately, make a positive contribution to their school community without discrimination, and to the wider community in later life, and give them the best chance to gain economic wellbeing as adults when they leave school.
9. The County Council also recognises that Woodeaton Manor School is very popular in terms of parental preference, being rated Outstanding by Ofsted. Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents' wishes, and this proposal's outcomes are in line with this duty.
10. To accommodate the growth in pupil numbers, a modular building designed sympathetically to meet the needs of the children will be installed on the school site, in a location previously occupied by a similar unit some years ago. The six primary age children will receive the bulk of their education in this unit, going to the main school building to use specialist facilities as required. This will ensure that the children settle in to their new environment and feel secure as quickly as possible, with as few distractions as possible, which is extremely important to pupils with autistic spectrum disorders.
11. The proposal is for the number of day pupils to rise to 58, of whom 12 will have access to residential accommodation for four days a week during term time. This arrangement has been provisionally agreed by the Children with SEN Manager, CEF.

Representations

12. The formal representation (Statutory Notice) period was from 23 March 2012 – 4 May 2012 and a Statutory Notice (Annex 1) was publicly displayed at Woodeaton Manor School, was also available on the OCC website and was published in The Oxford Mail newspaper on 23 March 2012.
13. Six representations were received, and all supported the proposal.
14. No concerns in relation to the proposal have been raised, so the decision on whether to implement the proposal is referred to the Cabinet Member for Schools Improvement rather than Cabinet.

Legal background

15. School expansions are subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Making Changes to a Maintained Mainstream School' ("the Guidance") which also contains a section relating to SEN provision. When reaching a decision, the Cabinet Member must have regard to The Guidance.
16. In terms of reaching a decision all proposals should be considered on their merits but the following factors should be borne in mind but are not considered to be exhaustive. The Decision Maker should consider the views of all those affected by the proposals. The Cabinet, as Decision Maker, must be satisfied that the statutory consultation has been carried out prior to the publication of the notice. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can make a decision on the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.
17. **The effect on standards, school improvement and diversity.** The government aims to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools, encouraging new providers and popular schools to expand. Decision Makers should be satisfied that the proposals will contribute to raising local standards of provision and improved attainment and consider the impact on choice and diversity. They should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds. The decision-maker should consider how the proposals will help deliver the 'Every Child Matters' principles.
18. **School characteristics.** The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise and whether

there is supporting evidence to support the extension and take into account the existence of capacity elsewhere. The Decision Maker needs to consider the accessibility of the provision for disadvantaged groups as the provision should not unduly extend journey times or cost.

19. **Need for places.** The Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion. There is a strong presumption that proposals to expand popular and successful schools should be approved. If surplus capacity exists in neighbouring schools the Decision Maker should ask how it is planned to tackle any consequences for other schools.
20. **Funding and land.** The Decision Maker should be satisfied that any land, premises and capital required to implement the proposals will be available.

Financial and Staff Implications

21. The financial implications of this proposed expansion are linked to the capital cost to provide suitable and sufficient accommodation for additional children attending the school. The Council's Capital Investment Board (CIB) 18 October 2011 approved funding for the installation of a modular' classroom unit at Woodeaton Manor School. This funding is identified within the County Council's Capital Programme 2011/12–2015/16 (existing demographic pupil provision – basic needs programme). Publication of the statutory proposal to alter the lower age range of the school required confirmation from the County Council that funds are available for the necessary capital costs.
22. There will also be on-costs to the school for additional staff and for increased maintenance requirements. These will need to be funded from the school's delegated School Budget Share, which will increase in proportion to increases in agreed place numbers. The individual cost of an additional place reserved for a pupil with SEN exceeds the per-pupil value of the Dedicated Schools Grant received from DfE, however funds are projected to be available within unallocated DSG to meet this increase in the school budget share.

Equality and Inclusion Implications

23. Equality Impact Assessment of Oxfordshire's Pupil Place Plan (June 2011) identified that increasing school places at the heart of their communities has a positive impact on equalities through promoting social inclusion and minimising barriers to accessing education. With respect to Woodeaton Manor School, pupils attend from across the county, but are educated alongside their peers, in many cases for the first time becoming part of a school community that understands their needs and knows how to work with each child to achieve their full potential.

Decision

24. In considering the proposals for a school expansion, the Decision Maker can decide to:
- Reject the proposals;
 - Approve the proposals;
 - Approve the proposals with a modification (e.g. the implementation date); or
 - Approve the proposals subject to them meeting a specific condition (see the Guidance).

RECOMMENDATION

25. **The Cabinet Member for Education is RECOMMENDED to approve the permanent alteration of the lower age limit at Woodeaton Manor School with effect from 1 September 2012.**

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Director for Children's Services

Annexes: Annex 1: Cabinet Member report 13 March 2012
 Annex 2: Statutory notice
 Annex 3: Statutory proposal

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