



To: Members of the Cabinet

Notice of an Extraordinary Meeting of the Cabinet

Monday, 4 June 2018 at 2.00 pm

County Hall, Oxford, OX1 1ND

A handwritten signature in black ink that reads "Peter Clark".

Peter Clark
Chief Executive

May 2018

Committee Officer: **Sue Whitehead**
Tel: 07393 001213; E-Mail: sue.whitehead@oxfordshire.gov.uk

Membership

Councillors

Ian Hudspeth	Leader of the Council
Mrs Judith Heathcoat	Deputy Leader
Lawrie Stratford	Cabinet Member for Adult Social Care
Steve Harrod	Cabinet Member for Children & Family Services
Lorraine Lindsay-Gale	Cabinet Member for Property & Cultural Services
Yvonne Constance OBE	Cabinet Member for Environment
David Bartholomew	Cabinet Member for Finance
Hilary Hibbert-Biles	Cabinet Member for Public Health & Education
Mark Gray	Cabinet Member for Local Communities

The Agenda is attached. Decisions taken at the meeting will become effective at the end of the working day on Tuesday 12 June 2018 unless called in by that date for review by the appropriate Scrutiny Committee. Copies of this Notice, Agenda and supporting papers are circulated to all Members of the County Council.

Date of next meeting: 19 June 2018

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

- guidance note opposite

3. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

4. Petitions and Public Address

5. Consultation on the Closure of Northfield School (Pages 1 - 6)

Cabinet Member: Public Health & Education

Forward Plan Ref: 2018/077

Contact: Barbara Chillman, Service Manager – Pupil Place Planning, Tel: (01865) 323804/Sandra Higgs, Schools Service Manager Tel: 07917 087603

Report by Director for Children's Services (**CA6**).

The County Council is seeking Cabinet approval to consult on the future of Northfield Special School, pending the outcome of the Council's Special Educational Needs & Disability (SEND) Review. The consultation will seek views on the future of the school based on two options, prior to any decisions being taken. In summary, the options will be to (Option A) close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review or (Option B) to continue to operate Northfield School as is, pending the outcome of the SEND Review.

The Cabinet is RECOMMENDED to support a public consultation on the following two options:

- (a) Close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review***
- (b) Continue to operate Northfield School as is, pending the outcome of the SEND Review.***

6. Joint Working Arrangements between Oxfordshire County Council and Cherwell District Council

Cabinet Member: Leader of the Council

Forward Plan Ref: 2018/078

Contact: Robin Rogers, Strategy Manager Tel: 07789 923206

Report by Chief Executive (**CA7**).

A report (**to follow**) will consider the implications of the changes to local government structures in Northamptonshire required by the Secretary of State, on Cherwell District Council and its current partnership arrangements with South Northamptonshire District Council. The report goes on to consider opportunities for future joint working between the County Council and Cherwell District Council with potential benefits to both councils and through them, residents. The report will seek agreement to the principle of joint working between Oxfordshire County Council and Cherwell District Council and to agree initial steps.

The report will be published as soon as it is available.

Division(s): All

CABINET 4 JUNE 2018

CONSULTATION ON THE CLOSURE OF NORTHFIELD SCHOOL

Report by Director of Children's Services

Introduction

1. The County Council is seeking Cabinet approval to consult on the future of Northfield Special School, pending the outcome of the Special Educational Needs & Disability Review (SEND Review)*. The consultation will seek views on the future of the school based on two options, prior to any decisions being taken. In summary, the options will be to (Option A) close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review or (Option B) to continue to operate Northfield School as is, pending the outcome of the SEND Review.

Background

2. Northfield Special School, in Blackbird Leys estate of Oxford, is one of 14 special schools across the County. It is a local authority maintained school which provides places for 76 boys (currently 71 on roll) with social, emotional and mental health difficulties (including autistic spectrum disorders).
3. Northfield has been operational since 1998, but over recent years, has been faced with a number of challenges, culminating in an unsuitable setting now deemed not fit for purpose.
4. The challenges the school faces are diverse, and although the Council has been actively working with the school to intervene and improve, the option to consult the public on closure now needs determining.
5. The reasons the school is deemed unfit for purpose include:
 - (a) The accommodation and school site are not designed to meet the needs of pupils with social, emotional and mental health difficulties (ie it was not purpose built to meet the educational needs of the cohort)
 - (b) The building is in a dilapidated state (the school site has been maintained by Carillion, a contract in which OCC had negotiated early release due to poor performance) and the main building has consequently been closed due to health and safety issues.
 - (c) The school is currently operating out of temporary accommodation split over two sites (years 10 and 11 are currently using several portacabins on site and years 6 to 9 have been temporarily relocated to Hill End Centre in Farmoor (near Oxford)).

- (d) The school has had difficulties attracting and retaining quality school leaders
 - (e) The attendance and attainment of pupils does not meet the Council's expectations
 - (f) The setting is not meeting the needs of the pupils' Education, Health and Care Plans.
6. The Director of Children's Services has commissioned a comprehensive review of Special Educational Needs and Disability provision and sufficiency. This review is due to conclude late Summer 2018. The anticipated benefits of this review are:
- (a) Increased special school capacity to meet children's needs locally.
 - (b) Improved and developed inclusive practice for vulnerable learners, including those with SEND, therefore delivering robust demand management through improved attendance and attainment, reduced exclusions and children missing out on education, with the expectation that these initiatives support a future reduction of looked after children (LAC) requirements
 - (c) Enhanced data modelling and intuitive business intelligence to support decision making and forecasting.
 - (d) Improved parental satisfaction of Education, Health and Care Plans.
 - (e) Improved Outcomes for SEND learners
7. Additionally, the Council is also undertaking a 'Learner Engagement' review, which includes the development of an 'inclusion' strategy, in partnership with key stakeholders (schools). This strategy will articulate how schools can embrace an inclusive agenda (rather than exclusion) – it is anticipated that the strategy will state key priorities such as:
- (a) Support will be available for schools to develop provision to meet the needs of pupils with Social, Emotional and Mental Health issues and complex needs and those presenting with challenging behaviour.
 - (b) We recognise the need to develop alternative provision to ensure pupils can stay in their locality and reduce the distance pupils are travelling to receive additional support.
 - (c) Improve outcomes, including attainment, for young people presenting with challenging behaviour and those with Social, Emotional and Mental Health needs.

Key Issues

8. The Council are wanting to engage with the public to help inform a decision on the future of the Northfield School. There are two options, either close the school or to keep it open. Both of these options have cost implications and risks (outlined in paragraph 24 'Financial and Staff Implications').

9. If the option to close is determined, the current pupils of Northfield school can be better accommodated at other special schools (using a combination of other local authority schools and private settings). The Director of Children’s Services would work with other provider and parents to ensure the most suitable settings to best meet the individual needs of the pupils. Dispersing the pupils to other schools would allow for the closure of Northfield School whilst the Council considers future provision.
10. The outcome of the two reviews (as noted above at paragraphs 7 and 8 being undertaken by the Director of Children’s services will inform future provision and sufficiency of places for all special educational needs, social, emotional and mental health needs pupils across the County (including students of Northfield School). It is expected that these reviews will create opportunities to provide more purposeful and better quality co-educational facilities in the future. As the reviews are ongoing, it is premature to determine the outcome; therefore the Council is unable to suggest medium/long term solutions at this stage.
11. All decisions related to school closures are taken locally, following a statutory process of engagement to ensure those directly affected by the proposals are able to input into the decision making.
12. The Department for Education’s ‘Statutory guidance for decision-makers on “Opening and closing local authority maintained schools” (April 2016) sets out the required process, and is supported by the associated “Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals” (April 2016). The relevant legislative basis for this guidance is Part 2 and Schedule 2 of the *Education and Inspections Act (EIA) 2006* as amended by the *Education Act (EA) 2011* and *The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013*.
13. The statutory process for closing a maintained school has five stages:

Stage 1	Consultation	No prescribed timescale	Informal / pre-consultation Recommended to last a minimum of 6 weeks. School holidays should be taken into consideration and avoided where possible. Likely to be no longer than 12 months.
Stage 2	Publication		Publication of the statutory notice and proposal.
Stage 3	Representation	4 weeks from date of publication	Formal consultation. As prescribed in the Establishment and Discontinuance of Schools Regulations and cannot be shortened or lengthened.
Stage 4	Decision	LA should decide a proposal within 2 months of the end of the representation	Where permitted, appeals must be made within 4 weeks of notification of the decision.

		period, otherwise it will fall to the Schools Adjudicator	
Stage 5	Implementation	No prescribed timescale	However, the date must be as specified in the published notice, subject to any modifications agreed by the decision-maker.

14. In order to provide educational continuity, it is proposed that the statutory process is followed against the following timeline:
- (a) Stage 1 'Consultation' 6 weeks in June/July 2018
 - (b) Stage 2 'Publication' July, at special Cabinet
 - (c) Stage 3 'Representation' 4 weeks July/August
 - (d) Stage 4 'Decision' September Cabinet
 - (e) Stage 5 'Implementation' 31st December

Financial and Staff Implications

15. Northfield school is currently funded for 76 places with an overall budget of £1.471m. However, the school is currently running with a budget deficit and additional costs for some current learning provision at Hill End. The current cost is £1.637m.
16. SEND provision, including Northfield School, is funded from the High Needs Block of the Dedicated Schools Grant. The High Needs Block is already under significant pressure, forecasting an estimated overspend of £5m in 2018/19. The High Needs Review (as noted above at paragraph 7) is seeking options to address this, but it is not expected to have any material impact in the current financial year.
17. Any additional costs over and above the existing budget will need to be met from either the High Needs Block or from council funding.
18. The cost of commissioning external provision in the medium term, until alternative approaches to special school arrangements are agreed and implemented following the SEND review, have been assumed to be for the period September 2018 to March 2022.
19. The table below shows the current budget, the cost to commission places (Option A) and the current cost (Option B) over the period referred to above.
20. In respect of Option A, the current assumption is that all 76 places will need to be commissioned. However, it is possible that some pupils can be placed in other local authority special schools, thereby reducing the costs. An estimate has also been made, in respect of redeployment and redundancy costs.
21. The estimated additional costs for 2018/19 are £1.233m for Option A and £0.097m for Option B. If Option A is agreed, following the formal consultation

period in accordance with the virement rules, Cabinet will recommend Council to approve a virement to provide the additional funding.

22. After 2018/19, the additional cost per year of Option A is estimated as £2.510m, for Option B it is £0.339m. Funding for either option will need to be agreed as part of the budget setting process for 2019/20. Given the existing pressures on the High Needs Block, the long-term solution for SEND provision as part of the High Needs Review needs to be agreed and implemented as soon as possible.

		OPTION A	OPTION B
Revenue Costs	Current budget	Alternate suitable provision	Current provision at Northfield
	£'000	£'000	£'000
Yr 1 - 2018/19 (from September)	858	2,269	955
Yr 2 - 2019/20	1,471	3,595	1,584
Yr 3 - 2020/21	1,471	3,216	1,584
Yr 4 - 2021/22	1,471	3,040	1,584
Total cost to 2021/22	5,272	12,120	5,708
Additional cost		6,848	436
Additional cost Yr 1 2018/19		1,233	97
Additional cost p.yr (average) Yr 2 - 4		2,510	339

23. As future placements are unknown at this stage, there is a risk that transport costs could change ie these could be higher or lower than current costs. Furthermore, there is also a risk that some of the savings related to Home to School Transport of £1.2m in the existing Medium Term Financial Plan may not be achieved in full.
24. Capital expenditure will also be required for both options. In relation to Option A, costs are anticipated at £0.1m for the provision of temporary classrooms until December by which time it is anticipated all places will have been commissioned. For Option B, costs of £0.5m - £1.5m are anticipated for remedial Health and Safety works plus the provision of a temporary school structure whilst remedial work is undertaken.

Equalities Implications

25. A full equality impact assessment will be undertaken for either of the options.

RECOMMENDATION

26. **The Cabinet is RECOMMENDED to support a public consultation on the following two options:**
- (a) Close the Northfield School, placing current students in alternate and more suitable provision, pending the outcome of the SEND Review**
 - (b) Continue to operate Northfield School as is, pending the outcome of the SEND Review**

LUCY BUTLER
Director for Children's Services

Contact Officer: Jo Moxon, Interim Deputy Director, Education

May 2018

*The SEND Review is internally referred to as the 'High Needs Block Review