

North Tyneside Council

Report to Cabinet

Date: 20 January 2020

Title: Consultation on changes to provision at the Melrose Centre, Longbenton High School and to Southlands School

Portfolio(s): Children, Young People and Learning

Cabinet Member(s): Councillor Peter Earley

Report from Service Area: Health, Education, Care and Safeguarding

Responsible Officer: Jacqui Old, Head of Health, Education, Care and Safeguarding **Tel: (0191) 6437317**

Wards affected: All

PART 1

1.1 Executive Summary:

On 29 July 2019 Cabinet received an update on the education system in North Tyneside including the challenges in meeting the needs of children and young people with Special Educational Needs and Disabilities (SEND). The report described the need for change arising from the increase in the numbers of children with SEND and particularly children with autism. Cabinet noted the work undertaken with schools and agreed that the Authority should enter pre-publication consultation with schools, parents and other interested parties in relation to the amendment of the structure of provision for pupils with Special Educational Needs (minute CAB 31/07/19 refers).

Following Cabinet's decision in July an initial (non-statutory) consultation on changes to provision at the Melrose Centre at Longbenton High School and to Southlands School has been undertaken with school governing bodies, with staff and with parents and carers. The proposal is that leadership of the Melrose Centre, currently the responsibility of Longbenton High School, would transfer to Southlands School. Southlands School would also increasingly offer places to children with autism at the main Southlands site, gradually increasing the number of autism places available.

The proposal is to have the new arrangements in place for September 2020. The proposed change is subject to the requirements of the DfE (Department for Education) statutory change process to de-commission or make changes to provision.

The purpose of this report is to inform Cabinet about the outcome of the initial (non-statutory) consultation and to seek permission to consult on the publication of statutory notices regarding the proposed changes to the Melrose Centre at Longbenton High School and Southlands School, both of which are maintained by the Authority.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) note and endorse the outcome of the initial (non-statutory) consultation on changes to provision at the Melrose Centre, Longbenton High School and to Southlands School;
- (2) agree to move to the next phase of consultation and the publication of statutory notices regarding the proposed changes to maintained schools, covering the Melrose Centre, Longbenton High School and Southlands School; and
- (3) agree to receive a further report on completion of the consultation.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 6 December 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018/20 Our North Tyneside Plan: "Our People will be ready for school" and "Our People will be ready for work and life."

1.5 Information:

1.5.1 Background

North Tyneside, like many local authorities both regionally and nationally, is experiencing an increase in the numbers of children with SEND. There has been a notable increase locally in the numbers of children with autism and/or social, emotional and mental health difficulties; and profound and multiple learning difficulties. The number of children with the primary need of autism increased by 79% between 2016 and 2019, the number of children increasing from 213 to 381. Of those children who have an Education Health and Care plan (EHC plan), autism remains the most common primary need. 28.2% of pupils with an EHC plan have this primary need. Those children and young people who have an EHC plan are those aged up to 25 who need more support than is available through the universal offer of special educational needs support in mainstream schools. EHC plans identify educational, health and social needs and set out the additional support required to meet those needs.

1.5.2 Responding to the increase in the need for educational places for children with SEND

Responding to this increase in needs is creating pressure on the High Needs Block of the Dedicated Schools Grant. In January 2019 North Tyneside Schools Forum acknowledged the pressure on the High Needs Block and agreed to transfer additional funding from the Schools Block to the High Needs Block. However, the increase in volume and complexity of needs means that there is an on-going pressure on the High Needs Block.

All Authorities are required to keep High Needs SEND provision under review. In North Tyneside strategic work is on-going, in line with the High Needs Strategic Plan endorsed by School's Forum in May 2018. This includes improving data and intelligence to inform the future pattern of educational provision and the nature of services to be commissioned

from the High Needs Block over the next three to five years. This work involves the Authority's Special Educational Needs Support Service, the Special School Heads, the Clinical Commissioning Group, therapeutic services and other stakeholders on the SEND Strategic Board.

The Parent Carer Forum has played, and will continue to play, a key role in the co-production of educational provision and services for children and young people aged up to 25. The views of children and young people with SEND will also be important and mechanisms are in place to inform, consult, involve and collaborate on changes to provision.

Notwithstanding the budget pressures, work has continued with schools and partners over the past year to increase the capacity of educational provision. DfE SEND capital funding was used to create additional educational places to meet the immediate needs of children in September 2019. The funding was deployed at The Melrose Centre at Longbenton High School, Beacon Hill School and Silverdale School.

1.5.3 Strategic review of Additionally Resourced Provisions

Work is also well underway to consider all of the Additionally Resourced Provisions (ARPs) in mainstream schools in line with the High Needs Strategic Plan referred to in section 1.5.2. An ARP, sometimes known as a Specially Resourced Provision is a provision, within a mainstream school, that provides additional, targeted support and resources for children with long-term special educational needs. Pupils typically attend the ARP for individual support and/or to learn a specific skill and will often be taught by specialist teachers. Most of their time (usually, well over 50% of their timetable) will be spent in mainstream classes with their peers. Further information can be found in the DfE's publication, 'Area guidelines for SEND and alternative provision' (see section 1.10).

Many of the ARPs in North Tyneside were established in 2004/05 to meet the needs of children with moderate learning difficulties which was then more prevalent. The ARP review will inform changes required to enable the needs of children to be met more effectively in mainstream schools, highlight where provision needs to change in light of current needs and identify action needed to ensure that there are smooth transition routes from primary to secondary schools. Schools Forum received a progress report on the ARP review in November 2019.

1.5.4 The Melrose Centre at Longbenton High School

The Melrose Centre at Longbenton High School was established in September 2009 as a 25 place ARP for pupils aged 11 to 18. The 25 places are part of the School's Published Admissions Number (PAN) of 180 places per year group and a total capacity of 1190 pupils. The ARP is well established and highly regarded. The Ofsted inspection report for Longbenton High School (November 2018) highlighted the ARP as a strength: 'The SEN resource area for autism, the Melrose Centre, provides good support for pupils.'

In the case of the Melrose Centre, most pupils spend a much greater proportion of their time in the centre than should be the case for pupils in an ARP. This is due to the complexity of their needs. Parents often have an expectation that children with autism leaving Benton Dene Special School are accessing specialist secondary provision. Although the Melrose Centre was not originally designated as specialist provision it has, in effect, become such in all but name. The high esteem in which the Melrose Centre is held is demonstrated by the number of parental requests for places, under the

presumption that parents can request access to mainstream provision. Pupil numbers in September 2019 significantly exceeded the 25 places as demand for secondary autism provision across the borough exceeds current capacity.

1.5.5 Responding to the increasing demand for places at the Melrose Centre

Discussions have taken place during 2019 with Longbenton High School and officers, to consider both the immediate increase in parental requests for a place at Melrose as well as the long-term implications of increasing demand and complexity of need. A double mobile classroom was located on the Longbenton school site to provide additional capacity for the beginning of the September 2019 term. This was funded through the DfE SEND Capital resource and agreed by the Investment Programme Board.

Longbenton High School has confirmed their view that the increasingly complex needs of the children with autism in the Melrose Centre and the need for access to specialist teaching and resources requires the centre to be placed under the leadership of a special school. The governors at Longbenton High School have confirmed their commitment to continue to host the Melrose Centre on the Longbenton site, with a special school taking over the leadership of the provision. The intention would be for the existing teaching staff to continue under the new leadership.

The Authority wrote to governors at Longbenton High School in June 2019 confirming the commitment to a strategic discussion with Headteachers around options for meeting the changing needs of children with autism. It was noted in the subsequent discussions, that in addition to maintaining the current level of provision, there was a need for at least an additional 20 secondary school places for each of the next 3 years. Discussions and consideration of options resulted in the Head Teacher and governors of Southlands School confirming both their willingness to take over the leadership of the Melrose Centre and to re-designate the type of SEN provision offered by Southlands School to enable more children with autism/moderate learning difficulties to be enrolled, subject to the outcome of the consultation process.

1.5.6 Complying with Statutory Guidance

The Authority is required to comply with DfE guidance, 'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers' (see section 1.10). The guidance applies to Local Authorities and governing bodies proposing to make changes to maintained schools and for information purposes for those affected by a proposal, including parents.

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and Authorities will consult interested parties in developing their proposal prior to publication to take account of all relevant considerations. The Authority has therefore undertaken the initial, non-statutory consultation described in this paper.

1.5.7 Initial (non-statutory) consultation

Schools governing bodies were consulted and gave permission to proceed with consultation. Schools have worked with their Human Resources Business Partner to brief staff affected by the proposal as the intention would be for staff at the Melrose Centre to transfer to Southlands School under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

The consultation period ran from 13 November to 13 December. Parents and carers of all children currently at the Melrose Centre; parents and carers of children in Years 7 to 10 at Southlands School; and parents and carers of children in Years 3 to 6 (Key Stage 2) at Benton Dene were contacted by letter (see Appendix 1, Section 1.8) and invited to consultation sessions held between 25 and 27 November 2019. Two consultation sessions were held at Longbenton High School; two at Benton Dene School and one at Southlands School.

A total of 32 parents attended the consultation sessions. 12 at the sessions held at Longbenton High School; 15 at the sessions at Benton Dene School; and 5 at the session at Southlands School. At each session the rationale for the proposed changes was explained and parents were given reassurance about the continuity of education for their children. A presentation (see Appendix 2, Section 1.8) was made at each consultation session covering the background to the proposal, the changes being proposed, the rationale and benefits, next steps, sources of individual advice and support and how to give feedback, offer comments or ask questions. Following the presentation those attending were able to ask questions.

In attendance were lead officers from the Authority alongside the Headteachers and Chairs of Governors from the schools involved. Each session was supported by the Special Educational Needs and Disability Information, Advice and Support Service (SEND IASS) who provide impartial information and advice on all aspects of special educational needs. Also in attendance were representatives from the North Tyneside Parent Carer Forum which represents parents with children who have SEND.

The key issues raised by parents were: the rationale for the change – parents asked for more information about why it was being proposed; the transition pathway from Benton Dene School to the Melrose Centre and progression routes to the post-16 autism offer; access to the mainstream curriculum and facilities at Longbenton High School for pupils at the Melrose Centre; the expertise of the staff at Southlands in autism; and the need for additional capacity and how, under the proposed arrangements, the need for additional places would be met. A total of 8 parents have submitted written responses to either request further information or to express their concerns. All have received a response and have been sign posted to the written FAQ sheet and offered a one to one discussion if required.

A set of Frequently Asked Questions has been compiled providing responses to the themes raised at the consultation sessions. It provides contact details for parents wanting support through SEND IASS or the North Tyneside Parent Carer Forum or to discuss their EHC plan with the Authority's SEN Support Service. It has been made available on the Local Offer website (see Appendix 3, Section 1.8).

1.5.8 Statutory consultation process

The DfE guidance indicates that a consultation period of a minimum of 4 weeks is required. The period should avoid, as far as is possible, school holiday periods. It is anticipated therefore that should Cabinet approve the recommendations detailed at section 1.2 of this report, formal public notices would be posted in early February 2020 with the consultation period ending in March 2020.

The statutory notices are required to consult upon the change to the status of the Melrose Centre and to the types of needs of pupils at Southlands School.

Following the formal statutory consultation period, a further report will be submitted to Cabinet detailing the outcomes of this exercise.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve the request for permission to consult on the publication of statutory notices

Option 2

Reject the request for permission to consult on the publication of statutory notices

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

It provides an appropriate curriculum offer and clarity to parents, stability and certainty about the future offer for pupils with autism. It provides clarity about the future for the staff involved. It enables the change to be implemented by September 2020 with no disruption to pupil's education. It allows the Authority to comply with the statutory EHC plan process well in advance of September 2020. It allows the number of educational places for children with autism to increase over time, under appropriate special school leadership.

1.8 Appendices:

Appendix 1: Letter inviting parents and carers to consultation sessions.

Appendix 2: Presentation slides for consultation sessions.

Appendix 3: Frequently asked questions and answers from consultation sessions with parents and carers, 6 December 2019.

1.9 Contact officers:

Jacqui Old, Head of Health, Education, Care and Safeguarding, tel. (0191) 6437317

Mark Longstaff, Head of Commissioning and Asset Management, tel. (0191) 6438089

David Griffiths, Interim Assistant Director for Education, Learning & Skills, tel. (0191) 643 8581

Kevin Burns, School Improvement Officer, tel. (0191) 643 8543

Mark Mirfin, Assistant Director, Whole Life Disability and SEND, tel. (0191) 643 7706

Mark Taylor, Strategic Commissioning Manager, Children and Families, tel. (0191) 643 8755

Michael Johnston, Commissioning Manager, tel. (0191) 643 8681

Claire Emmerson, Senior Manager Financial Strategy & Planning, tel (0191) 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- [Cabinet report, Education for North Tyneside, 29th July 2019](#)
- [Ofsted Report, Ofsted School Inspection Report, Longbenton High School, 13–14 November 2018](#)

- [Schools Forum Reports, High Needs Strategic Plans, including the intention to review ARPs, May 2018](#)
- [Update on 2019/20 DSG Values and Funding Distributions including Proposed Transfer to High Needs and request for approval of De-delegated and Centrally Retained items, January 2019](#)
- [Update on 2019/20 National Funding Formulae and the Outcome of Consultation with All Schools on Funding Distribution for 2020/21, November 2019](#)
- Equality Impact Assessment

DfE Guidance

- [Making significant changes \('prescribed alterations'\) to maintained schools Statutory guidance for proposers and decision-makers, October 2018](#)
- [Area guidelines for SEND and alternative provision: Including special schools, alternative provision, specially resourced provision and units, December 2015](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The sources of revenue funding are the Dedicated Schools Grant and High Needs Block of the Dedicated School Grant. Revenue funding will be subject to the usual process for allocating resources to mainstream and special schools as part of the annual cycle through Schools Forum.

There are no immediate plans for capital funding. Any requirement for capital arising from increasing need over time would be taken through the Investment Programme Board.

2.2 Legal

Staff at the Melrose Centre would transfer to Southlands School under TUPE arrangements. TUPE refers to the Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended.

TUPE gives an employee the legal right to transfer to a new employer with their existing terms and conditions of employment and with all their existing employment rights and liabilities intact. In basic terms the new employer steps into the shoes of the old employer. As the new employer is required to take on the employees on their existing terms and conditions of employment, it is prohibited from making any changes to the terms and conditions of employment of the transferred employees if the sole or principal reason for the variation is the transfer.

Longbenton High School and Southlands School are following the guidance on TUPE issued to schools by the School's HR unit and are being guided by their respective HR Business Partners and underpinned by advice from the Authority's Legal Service. As both Southlands and Longbenton schools are maintained schools and members of the Learning Trust staff will operate under current terms and conditions of employment were a transfer to take place.

There is a firm commitment by both schools to working together. This will be formalised through a legal operating agreement between the two schools.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet member for Children, Young People and Learning has been fully consulted in relation to the proposal.

2.3.2 External Consultation/Engagement

Consultation has been undertaken with parents and carers and with the schools and their Governing Bodies as set out in section 1.5.7. If Cabinet agrees further consultation will be undertaken with these groups as set out in section 1.5.8.

2.4 Human rights

There are no human rights issues directly arising from this report.

2.5 Equalities and diversity

An Equality Impact Assessment (EIA) has been completed on the proposed changes to the Melrose Centre at Longbenton High School and Southlands School. The EIA has not identified any negative impacts that cannot be removed or reduced.

Should Cabinet agree to move to statutory consultation the views of young people would be sought and further consultation would take place with parents and carers, governing bodies and staff.

2.6 Risk management

Any risks identified in implementing the proposal will be monitored and appropriate steps will be taken to safeguard against those risks.

2.7 Crime and disorder

There are no crime and disorder issues directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X