

<b>EXECUTIVE</b>		<b>On 24<sup>th</sup> April 2007</b>
Report Title: Re-organisation of Moselle and William C. Harvey Special Schools		
Forward Plan reference number (if applicable): <b>N/A</b>		
Report of: <b>Sharon Shoesmith – Director, The Children and Young People’s Service</b>		
Wards(s) affected: <b>All</b>	Report for: <b>Key</b>	
<b>1. Purpose</b>		
1.1 To seek approval to commence statutory consultation on the re-organisation of Moselle and William C Harvey Special schools into one primary and one secondary special school. This will enable the first stage of the Inclusive Learning Campuses to commence.		
<b>2. Introduction by Executive Member</b>		
2.1 This report seeks approval to start statutory consultation on the first step towards realising our long-term vision of inclusive learning campuses at Woodside High School (bringing together a secondary special school and the mainstream secondary school) and at Broadwater Farm Primary School (bringing together a primary special school and the mainstream primary school).		
<b>3. Recommendations</b>		
3.1 That a statutory consultation process is started as set out in section 10 of this report for ‘prescribed alterations’ of Moselle and William C Harvey special schools.		
3.2 That following consultation the Executive Member for Children and Young People, will review the consultation feedback and make a decision on whether statutory notices will be published.		

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#### **4. Executive Summary**

- 4.1 Throughout 2004 and 2005 the Director of the Children and Young People's Service chaired a steering group of special school headteachers, governors, teacher, support staff, union representatives, parents and other stakeholders looking at the future of the two all-age special schools at Broadwater Farm. Informal consultations took place with parents and staff.
- 4.2 The rationale for the need for change was three fold: firstly, both buildings are in poor condition and need substantial attention, secondly, the needs of the children and young people in each school are less differentiated than was the case a decade or more ago before so much inclusion had been achieved and alongside this a greater proportion of children and young people have profound and multiple needs and are best not isolated in a special school only catering for their needs, and thirdly, across the country most special schools have become primary or secondary thereby providing progression for their children and young people.
- 4.3 The steering group reached an agreement that a single secondary and a single primary special school should be established in a secondary and primary mainstream school. The special schools would have their own head and governing body and work in collaboration with the mainstream school governing body. The working group was influenced by the very successful model of inclusion achieved by the Vale Special School included in Northumberland Park Secondary School and Lancasterian and Belmont Primary Schools. The choice of secondary school was very much determined by staying as close to the original schools as possible and ensuring that there was enough space on the site – Woodside High was the early and preferred choice. The primary school was an easier choice as so much inclusion work has been established with Broadwater Farm Primary School. In addition the standards and quality of provision at Broadwater farm has been substantially improved.
- 4.4 Funding for building the secondary Inclusive Learning Campus (ILC) has been secured through the Building Schools for the Future programme. The secondary

ILC project has now reached an advanced stage where building plans are ready to be submitted for planning permission by the summer of 2007.

4.5 After Moselle and William C Harvey schools have been re-organised the secondary special school will relocate to Woodside High School once the facilities have been built by 2010. The primary special school will continue to operate from either the current Moselle or William C Harvey buildings, until the primary facilities have been built. Building these will be subject to available capital allocations in future years.

4.6 Following the initial consultation the Executive Member will review the feedback and decide on the publication of statutory notices. Following the statutory period for receiving representations, a further report will be submitted to Executive for determination on the re-organisation proposals. Under the Education and Inspections Act 2006, the School Organisation Committee will be abolished from May 2007 with Local Authorities taking over their decision making powers.

## **5 Reasons for any change in policy or for new policy development (if applicable)**

5.1 N/A

## **6 Local Government (Access to Information) Act 1985**

6.1 N/A

## **7 Background**

7.1 Funding for building the secondary Inclusive Learning Campus (ILC) has been secured through the Building Schools for the Future (BSF) programme. The secondary ILC proposal has now reached an advanced stage where building plans are ready to be submitted for planning permission by the summer 2007.

7.2 The full funding for the Primary ILC will be dependent upon capital allocation beyond 2008/09. At present due to the spending review, this is not known, though indications suggest a sufficient allocation of formulaic and primary capital funding to Haringey which would support it.

7.3 The process to establish a primary and secondary Inclusive Learning Campus involves three elements:

1. the re-organisation of Moselle and William C Harvey Special schools;
2. building the secondary special school within Woodside High;
3. building the primary special school within Broadwater Farm Primary.

7.4 This paper seeks approval to proceed with the consultation on the re-organisation of Moselle and William C Harvey Special schools.

7.5 A further report will be submitted to a later Executive for a determination on the re-organisation proposals. Under the Education and Inspections Act 2006, the School Organisation Committee will be abolished by May 2007 with Local Authorities taking over their decision making powers. This will mean Executive

will be able to review all the feedback received during the consultation before making a final decision on whether the re-organisation can proceed. See section 9 and appendix 1 for further details.

## Haringey Policy Context

- 7.6 *Changing Lives*, the Haringey Children and Young People's Plan 2006-9 makes a commitment to co-locating all special schools in mainstream schools, thereby providing these students with greater access to facilities and provision than would otherwise be the case. *Changing Lives'* commitment to opening a new 6<sup>th</sup> Form Centre, which will include provision for students who would otherwise attend Moselle and William C Harvey schools, is on track for September 2007.

## 8 The re-organisation of Moselle and William C Harvey Special schools

- 8.1 The re-organisation of Moselle and William C Harvey special schools will involve a set of 'prescribed alterations' to establish a primary and secondary special school. The prescribed alterations are:
- a change of age range the schools cater for;
  - a change in the admission of children/young people with a broader range of special educational needs;
  - a change in the number of pupils each school can cater for.
- 8.2 Moselle and William C Harvey schools currently educate children and young people with different Special Educational Needs. Moselle predominantly caters for children and young people with Autism along with increasing numbers of young people with severe, complex and profound needs. William C Harvey caters for children and young people with severe learning difficulties along with children who have profound and multiple learning difficulties. As these two all-through schools will be re-organised into one primary and one secondary school, both school will have to have wider SEN admission criteria which will allow pupils from the broader range of special educational needs to be admitted.
- 8.3 At present Moselle has capacity for 128 pupils, William C Harvey has capacity for 75 pupils. Following the re-organisation, we propose that both schools will cater for 100 pupils. William C Harvey will increase the number of pupils it caters for by 25%; Moselle will decrease the number of pupils it caters for by 20%. Reorganisation costs will be contained within existing revenue and BSF resources.
- 8.4 Once the new schools are established, it is proposed that the two Governing Bodies on each site i.e. the mainstream and the special school governors, develop a joint committee arrangement under the collaboration regulations (Education Act 2000). These arrangements will strengthen coordination and continuity of provision in order to support transition. Informal arrangements are in place at the moment.
- 8.5 The primary special school will continue to operate from either the Moselle or William C Harvey buildings, until the primary facilities have been built. At a later date, proposals will be brought forward for the relocation of the primary special school to the Broadwater Farm primary school.

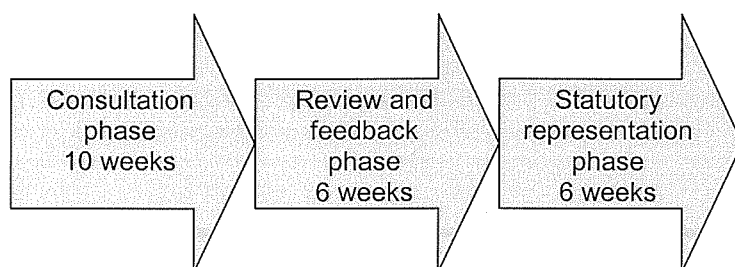
- 8.6 All plans will be subject to planning permission and further consultation with the schools and community. Statutory organisational approvals are normally given subject to planning permission being granted and we would expect that to be the case for this proposal.
- 8.7 A plan to manage the change will be drawn up to take full account of the needs of children and students, parents / carers, staff and services working with the schools. Paramount in all planning will be the requirement to manage the changes with a minimum disruption to the children, most of whom have a range of complex needs.
- 8.8 William C. Harvey and Moselle Special Schools have been recognised in their Ofsted inspections as very good schools. In both cases the quality of teaching and learning and relationships with parents and carers have been commended. Existing staff across both schools will be supported through the change process to transfer to new schools. Staff will be deployed to posts that are appropriately matched to their skills, ability and experience. They will be fully consulted and given opportunities to discuss their individual professional development. Staff will be provided with training and support where required.

## 9 Change in legislation

- 9.1 From 1<sup>st</sup> May 2007 the Education and Inspections Act 2006 comes into force. Under this Act the School Organisation Committee will be abolished. This means the Local Authority will take over the existing functions of the School Organisation Committee. Part of the Local Authority's new role includes decision making about the establishment, alteration and closure of any maintained mainstream, special and nursery school. The Local Authority will also have extended powers to propose the enlargement of the premises and the addition or discontinuance of SEN provision. (See appendix 2 for further details).

## 10 Consultation

- 10.1 This consultation process involves the following distinct phases:



### Consultation Phase

- 10.2 We propose that the consultation begins on 8<sup>th</sup> May 2007 which will allow all stakeholders to be fully informed of the consultation proposal and to have an opportunity to respond through a range of supporting events.
- 10.3 There is no time limit specified in law for consultation period, though a minimum of six weeks is considered good practice. A ten-week period has been allocated from the publication of a consultation document, to the close of responses. The

majority of this period falls within term time, though half term also falls within the time frame.

- 10.4 The process will not rely solely on written consultation communication and will also include:
- informal drop in sessions which will allow parents/carers and other members of the community who may feel intimidated by public meetings to feel more comfortable discussing the issues in a relaxed environment on a one to one basis;
  - public meetings to allow comments and questions from a larger group.
- 10.5 All information will be accessible and downloadable on the Haringey website. Where new issues are raised, responses will be communicated to the whole relevant community, for example by newsletter.

#### Review and feedback phase

- 10.6 All the responses received during the consultation will be analysed and fed back to the lead member for Children and Young People and stakeholders by newsletter.

Feedback will be given to the school community on:

- the results of the consultation exercise;
  - responses to main themes or questions raised during the consultation;
  - details of the timescale and a clear explanation of the process for the statutory representation phase.
- 10.7 The Executive Member for Children and Young People, will review the consultation feed back and make a decision on whether statutory notices explaining the intent to re-organise Moselle and William C Harvey schools will be published. This delegation of decision-making was agreed at the July 2006 Executive as part of the School Place Planning report. If the Executive Member for Children and Young People agrees, the consultation can proceed, with the publication of the statutory notices. The statutory representation period will last for six weeks as specified in statutory guidance.

#### Statutory Representation Phase

- 10.8 After the end of the statutory phase, if there are no objections, the proposal to establish a primary special school and a secondary special school will go ahead.
- 10.9 However, if there is at least one objection, the proposal will be passed on to the Executive for a decision, in accordance with the Education and Inspections Act 2006, as detailed in section 9.

## 11 Consultation Timetable

8 <sup>th</sup> May 2007	Start of consultation
20 <sup>th</sup> July 2007	End of consultation

6 <sup>th</sup> September 2007	Publish statutory notices
17 <sup>th</sup> October 2007	End of statutory representation period
6 <sup>th</sup> March 2008	Latest date for Executive to consider and determine the proposal

## 12 Legal Comments

The Head of Legal Services has been consulted on the content of this report. Since the formal process of publication of the proposals commences in September 2007, the new statutory regime caused by the Education and Inspections Act 2006 will be in force. The report recognises one important aspect of the new regime by drawing attention to the abolition of the Schools Organisation Committee by virtue of Section 29 of the 2006 Act. New regulations will also be in force, whose final content has not yet been published. Legal comments on the consultation process are based on the content of the draft School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. Although it is not thought that there will be significant changes between the draft regulations (which were subject to consultation recently) and the final version, the position should be revisited once the final 2007 Regulations are published.

As the report makes clear the alterations proposed for the two special schools bring them into the statutory regime entailing initial consultation, formal publication and decision making. Part 1 of Schedule 5 to the 2007 Regulations sets out the information that must be included in the proposals. Paragraph 30 of Schedule 5 to the 2007 Regulations sets out the prescribed list of bodies and persons who must be consulted during the earlier more informal consultation phase prior to publication. The formal publication phase lasts 6 weeks during which time comments and objections can be sent to the Authority.

## 13 Financial Comments

Funding for the secondary campus has been approved by the DfES through a Targeted Capital Fund (TCF) bid in the sum of £4.68m (£3.75m TCF and £0.93m match funding from BSF) and plans for the establishment of the Secondary Inclusive Campus at Woodside High School (formerly known as White Hart Lane Secondary School) are now fully incorporated in the BSF programme. The opening date of the secondary inclusive learning campus is September 2010. These plans are subject to planning permission.

## 14 Comments of the Acting Director of Finance

The consultation itself will be conducted within existing resources. If no formal objections are received by the Council during the six week phase following the issue of the statutory notices, no determination by the Executive member is required as the Council is automatically committed to deliver the changes as detailed in the notices.

The Acting Director of Finance confirms that funding is available within the BSF programme for secondary schools to fund the secondary capital project. Funding for the primary proposal cannot be identified until future capital funding levels are known.

Risk areas:

A. Revenue implications:

There will be funding implications for the Dedicated Schools Grant (DSG) if the funding formula needs to be amended as the range of needs to be met from the new provision is different from the existing schools. Costs will be contained within the DSG and the changes will have an impact on the distribution through the funding formula.

There may also be transitional costs to be met as schools and children move sites, and as staff also change sites.

B. Capital implications

The secondary school plans need to be subjected to a feasibility study to ensure the plans are costed to fall within the planned funding; the project will be closely monitored by the BSF Project Board to ensure that any unexpected cost issues are managed by amendments to specification where ever possible..

It is the nature of a statutory consultation of this nature that, once the statutory notices are published, if there are no formal objections made, no further decision is necessary, and the Local Education Authority is required to deliver the proposals, or apply to the Secretary of State to have them set aside / re-consult on alternative proposals. The consultation should make it clear that if funding is not available for the new primary school, that it will operate from existing premises.

## 15 Equalities Implications

This proposal is fully in line with the Council's policy on educational inclusion and takes full account of the Disability Discrimination Act 2004 requirements and of other equalities legislation. It represents a major step forward in enabling children and young people with and without disabilities to learn alongside each other.



## Appendix 1

The main changes to the school organisation and governance regime in England introduced by the Act.

- To abolish School Organisation Committees (SOCs) and introduce new arrangements for local authorities to decide statutory proposals (other than new school competition proposals where they put forward proposals) but with the power to appeal to the adjudicator in some cases.
- To introduce new powers whereby a local authority can publish proposals to enlarge voluntary schools, increase the number of pupils at foundation or voluntary schools, add/remove sixth form provision, and add/remove SEN provision for voluntary or foundation schools.
- To extend the circumstances in which a local authority must invite proposals in a competition for a new school. The Education Act 2005 required competitions for new and additional secondary schools, while the 2006 Act will extend this requirement to primary schools and to special schools. The 2006 Act also carries forward the possibility of applications to the Secretary of State for an exemption from a competition, although the presumption remains that a competition should be the norm.
- To control the circumstances under which proposals for a new community school may be published in a competition, and to specify the process for deciding when a local authority may publish such proposals.
- To restrict change of category provisions so that voluntary and foundation schools can no longer change category to become community schools; similarly foundation special schools will no longer be able to change category to community special.
- To establish the processes and safeguards for schools wishing to become Trust schools, and to introduce a procedure for a Trust school to remove its Trust.
- To make provision about the establishment of Parent Councils in Trust schools where the Trust appoints a majority of governors.
- To introduce statutory requirements on new Trusts.
- To place local authorities under overarching duties to promote high standards, fair access to educational opportunity and the fulfilment of every child's educational potential. Local authorities will also be required to secure diversity in the provision of schools and increase opportunities for parental choice in the provision of schools. Linked to this, the Act places a specific new duty on local authorities to respond to parental representations about the provision of schools and allows for guidance on this.

## SCHEDULE 1

Regulation 5

Alterations which may be published by a local education authority

### PART 1

The following alterations may be published by a local education authority in respect of community special schools.

#### Special Educational Needs

1. A change in the type of special educational needs for which the school is organised to make provision.

#### Transfer to New Site

2. The transfer of a school to a new site except where the main entrance of the school on the proposed new site would be within two miles of the main entrance of the school on its current site.

#### Increase in Number of Pupils

3.—(1) Except where the school is established in a hospital, any increase in the number of pupils for whom the school is organised to make provision which, when taken together with all such previous increases in the number of pupils would increase the number of such pupils by 10% or the relevant number of pupils (whichever is the lesser) as compared with—

- (a) the number of such pupils on the appropriate date; or
- (b) if, at any time after that date the number of such pupils was lower than on that date, the lowest number at any such time.

(2) In this paragraph—

“the appropriate date” means whichever is the latest of the following dates—

- (a) the date falling five years before the date on which the local education authority or, as the case may be, the governing body, form the intention to increase the number of pupils for which the school is organised to make provision;
- (b) the date when the school was established;
- (c) where any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils for which the school is organised to make provision have been approved under—
  - (i) section 184 of the Education Act 1993,
  - (ii) section 340 of the Education Act 1996, or
  - (iii) paragraph 3 of Schedule 6 or paragraph 8 or 9 of Schedule 7, the date (or latest date) on which any such proposals were implemented; and
- (d) where the local education authority have determined under paragraph 4 of Schedule 6 to implement any proposals for the making of a prescribed alteration to the school consisting of an increase in the number of pupils for which the school is organised to make provision, the date (or latest date) on which any such proposals were implemented.

“The relevant number of pupils” is 5 where the school only makes boarding provision and 20 in any other case.

### **Decrease in numbers**

4. Except where the school is established in a hospital, any decrease in the number of pupils for whom the school is organised to make provision.

### **Boarding**

5.—(1) The introduction or ending of a boarding provision.

(2) Where the school makes provision for day pupils and boarding pupils, the alteration of boarding provision such that the number of pupils for whom boarding provision is made is increased or decreased by 5 pupils.

### **Alteration of Upper or Lower Age Limits**

6. The alteration of the upper or lower age limits of the school (that is to say the highest and the lowest ages of pupils for whom education is normally provided at the school).

### **Sex of Pupils**

7. An alteration to a school to provide that—

- (a) a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes; or
- (b) a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only.

## **SCHEDULE 2**

Regulation 5

### **Provisions about the publication, determination and implementation of proposals by a local education authority**

#### **PART 2**

### **Provisions about Publication, Determination and Implementation of proposals made by a Local Education Authority under Regulation 5**

35—(1) Where any proposals have been published by a local authority (subject to paragraph .. and 30) that local authority must after considering all the objections and comments which are received on or before the date referred to in paragraph 27—

- (a) reject the proposals;
- (b) determine the proposals must be implemented; or
- (c) determine that the proposals must be implemented with modifications.