

From: Patrick Leeson, Corporate Director for Education,
Learning and Skills

To: Roger Gough, Cabinet Member for Education and Health
Reform

Subject: Proposed transfer of the Bower Grove secondary satellite
provision and change of designated number of Bower
Grove School.

Classification: Unrestricted

Past Pathway of Paper: Education Cabinet Committee – 4 December 2013

Future Pathway of Paper: Cabinet Member decision

Electoral Division: Maidstone Central division, Dan Daley/Rob Bird

Summary: Following the recommendations from Education Cabinet Committee on 4 December 2013, the Cabinet Member for Education and Health Reform is requested to agree to issue a public notice to:

- (i) transfer the Bower Grove secondary satellite to St Augustine Academy, subject to the agreement of the Secretary of State for Education; and
- (ii) change the designated number of Bower Grove School to 183 (if the proposal to transfer the secondary satellite to St Augustine Academy is agreed) or 195 (if the transfer is not agreed).

Recommendation(s):

The Cabinet Member for Education and Health Reform is requested to agree to issue a public notice to:

- (i) Issue a public notice to transfer the Bower Grove secondary satellite provision and change the designated number of Bower Grove School to 183 (if the proposal to transfer the secondary satellite to St Augustine Academy is agreed) or 195 (if the transfer is not agreed).

And, subject to no objections being received to the public notice,

- (ii) transfer Bower Grove secondary satellite provision and change the designated number of Bower Grove School, subject to the agreement of the Secretary of State for Education.
- (iii) AUTHORISE the Director of Property and Infrastructure Support in consultation with the Director of Law and Governance to enter into any necessary contracts/agreements on behalf of the County Council
- (iv) Should objections, not already considered by the Cabinet Member when taking this decision, be received during the notice period a separate decision will be required in order to continue the proposal.

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1. Introduction

1.1 On 27 September 2013 the Education Cabinet committee endorsed the Kent Commissioning Plan that identified the need to review the future capacity of specialist SEN provision within special schools and within the mainstream sector and recommended to the Cabinet Member for Education and Health Reform that a consultation commenced.

1.2 This reports sets out the results of the Public Consultation which took place between Wednesday 11 September to Monday 21 October 2013. A public meeting was held on Tuesday 1 October 2013.

2. Financial Implications

2.1 *Transfer of the Bower Grove secondary satellite provision from Bower Grove School to St Augustine Academy.*

a. Capital: The existing satellite building will be leased to St Augustine Academy by KCC. The lease will be linked to the Service Level Agreement for the provision of a specialist resourced provision.

b. Revenue: St Augustine Academy will receive £228,000 (notional budget) for operating a 12 place specialist resourced based provision for pupils with ASD, in line with the Service Level Agreement.

c. Human: It is intended that staff who work in the satellite provision will transfer from Local Authority employment to the Woodard Academies Trust. The terms and conditions of staff will be protected via TUPE (Transfer of Undertakings Protection of Employment regulations).

2.2 *Change in designated number of Bower Grove School*

a. Capital: The change has no capital costs. The school already accommodates the number of pupils proposed.

b. Revenue: There are no revenue implications. The school currently receives funding for pupils on roll. This funding comes from within existing budgets

c. Human: The school is already staffed to support the proposed designated number.

3. Bold Steps for Kent and Policy Framework

3.1 This proposal will help to:

- secure our ambitions to “ensure our priorities and services meet the needs of all Kent residents” and that “schools will always be at the heart of the local communities irrespective of their legal status, who runs them or who funds them” as set out in ‘Bold Steps for Kent’, and
- “develop the broadest range of providers to increase parental choice and offer provision which offers a flexible match to the needs of our children and young people” as set out in our ‘SEN and Disability Strategy’.

- 3.2 The 'Kent Commissioning Plan for Education Provision' referred to the need to review the future capacity of specialist SEN provision within special schools and within the mainstream sector.

4. Consultation Outcomes

- 4.1 A total of 18 written responses were received with 7 respondents supporting the proposal and 11 objecting to the proposal.

5. Views

5.1 The view of the Local Members

Mr Rob Bird, the local member for Maidstone Central, has been consulted and attended the public meeting. He supports the proposal subject to confirmation that the staff being transferred to St Augustine Academy are happy with the proposed arrangements.

6. Proposal

- 6.1 Bower Grove School is a special school designated for pupils with Behaviour and Learning Needs. It has two satellite provisions; a primary one based in Westborough Primary School and a secondary unit based on the site of St Augustine Academy, formerly the Astor of Hever Community School. The pupils attending the satellite provisions have a statement of Special Educational Needs (SEN), are diagnosed with an Autistic Spectrum Disorder (ASD) and are on roll at Bower Grove School.

- 6.2 St Augustine Academy and its sponsor, The Woodard Academies Trust, have inclusive philosophies. The Academy initially proposed that the Bower Grove satellite, which is on the same site, should transfer to St Augustine Academy to become resourced SEN provision run by the Academy. The pupils, staff and building would transfer to St Augustine Academy. An ongoing relationship would be maintained between St Augustine Academy and Bower Grove School to support the staff and pupils in the resources provision. The Governing Bodies of Bower Grove School, St Augustine Academy and the Woodard Academies Trust support the proposal.

- 6.3 The intended date for transfer is September 2014. If the proposal is agreed it will reduce the current (and proposed) designated number of Bower Grove School by 12 places. From this date the Academy would be commissioned by the local authority, via a Service Level Agreement, to provide a specialist resourced provision for up to 12 pupils with ASD.

- 6.4 Bower Grove School is currently designated to admit 146 children in both the main building and the satellite provisions. Since 2009 the school has had around 200 children on roll and the school's designated number needs to be changed formally to better reflect current admissions patterns and school capacity. Therefore it is proposed to change the designated number to 183 (if the proposal to transfer the secondary satellite to St Augustine Academy is agreed) or 195 (if the transfer is not agreed).

- 6.5 The proposed transfer of the satellite provision to St Augustine Academy will require the submission of a business case to the Secretary of State for Education for agreement. This decision will therefore be conditional upon agreement of the Secretary of State for Education. An Equality Impact

Assessment has been completed as part of the consultation. Changes were made to the Equality Impact Assessment following comments received during the consultation period.

- 6.6 The conclusion following the public consultation is that the presumptions made in the initial assessment still remain and that it is not necessary to initiate a further Equality Impact Assessment.

7. Delegation to Officers

- 7.1 The Officer Scheme of Delegation (under Appendix 2 part 4 of the Council's Constitution) provides a clear and appropriate link between this decision and the actions needed to implement it. For information it is envisaged, following consultation and if the proposal goes ahead, that the Director of Property & Infrastructure Support will sign the Lease on behalf of the County Council and the Head of Special Educational Needs will sign the Service Level Agreement.

8. Conclusions

- 8.1 Bower Grove's secondary satellite provision sits within the curtilage of St Augustine Academy. The Academy is happy and willing to take over the running of the satellite provision, indeed it was originally the idea of the Academy to do so. The Headteacher of Bower Grove and the Principal of St Augustine Academy have worked together to develop arrangements for future joint working and support for pupils with ASD. We are confident that this matter will proceed with little or no disruption to current pupils and their families.
- 8.2 The proposed change of designated number of Bower Grove School reflects both the number on roll at the school over the last five years and the likely demand for places going forward.

9. Recommendation(s)

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10. Background Documents

10.1 Bold Steps for Kent and Policy Framework

http://www.kent.gov.uk/your_council/priorities_policies_and_plans/priorities_and_plans/bold_steps_for_kent.aspx

10.2 Kent Children and Young People's Joint Commissioning Board Strategy for Children and Young People with Special Educational Needs and Disabilities (post consultation version June 2013):

<https://democracy.kent.gov.uk/documents/s40881/Item%20B2b%20SEND%20Strategy%20Appendix.pdf>

10.3 Draft Kent Commissioning Plan for Education Provision 2013-2018

<https://shareweb.kent.gov.uk/Documents/education-and-learning/plans-and-consultations/strategic-plans/Kent%20Education%20Commissioning%20Plan%202013%20-2018%20-160913%20%20Draft.pdf>

10.4 Consultation Document and Equalities Impact Assessment

http://www.kent.gov.uk/education_and_learning/plans_and_consultations/school_consultations.aspx

11. Contact details

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