

Leicester
City Council

WARDS AFFECTED
Type in Ward

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

27 June 2005

PROPOSAL TO AMALGAMATE EMILY FORTEY AND PIPER WAY SCHOOLS

Report of the Interim Director of Education

1. Purpose of Report

- 1.1 (i) To inform elected members of progress, to date, of the consultation on the proposal to amalgamate Emily Fortey and Piper Way Schools; and
- (ii) to seek Members' approval to publish statutory notices to cease to maintain the two schools and to open a new school, based on the amalgamation of the two closing schools.

2. Summary

- 2.1 Emily Fortey is an all-age special school for pupils with severe learning difficulties (SLD). Piper Way school is a special school for primary-age children with Moderate Learning Disabilities and provides a unit for pupils with Autism. They are neighbouring schools separated only by a main road. Both schools draw the major proportion of their pupils from the surrounding neighbourhood.
- 2.2 The increase in parental demand for places in mainstream schools for pupils with statements of Special Educational Needs (SEN) and the problems of falling rolls in some special schools have been the subject of consultation exercises over a number of years. In 2004, Emily Fortey and Piper Way Schools were among six schools included in a proposal to realign SEN provision in Leicester by creating three new schools/units from the original six. Responses to that consultation were reported to Members.
- 2.3 Subsequently, the budgetary difficulties caused by falling rolls in both schools over the years - but more significantly at Piper Way school - were reported to Members, together with a range of 'interim' solutions suggested by the special school head teachers' group.
- 2.4 At their meeting on January 24, Members agreed *inter alia* to consultation on a proposal to amalgamate Emily Fortey and Piper Way schools as part of an interim solution prior to considering the longer-term future of MLD/SLD special schools in the City.
- 2.5 Consultation on the proposal to amalgamate the two schools took place during the period 25 January to 14 March 2005.

3. Recommendations (or OPTIONS)

3.1 Cabinet is recommended to:

- (i) note the responses to the consultation;
- (ii) agree to open a new community special school formed from the amalgamation of Emily Fortey and Piper Way schools; and
- (iii) approve publication of formal notices to cease to maintain Emily Fortey and Piper Way as separate schools

4. Headline Financial and legal Implications

Financial

4.1 One school will be funded at a lower level than two added together. Each school currently receives £28,000 SSG (School Standards Grant), but, under current arrangements, the amalgamated school would receive a total of £38,000 which is a total reduction of £18,000. Likewise the school would receive only one School Buffer allocation. Each school currently receives £125,057. If the pupil numbers remain the same as predicted the amalgamated school would receive £125,057. Under current funding arrangements this would imply a reduction of £143,057 from the 2005/06 budgets.

However the amalgamated schools will remain on separate sites and thus qualify for split site allowance. No special school currently receives a split site allowance, the allowance for this for mainstream schools is approximately £36,000. In addition expenditure can be lower due to the economies of scale available for the larger school. The Finance Section is working with the schools to establish their budget.

Legal

4.2 The reorganisation of maintained schools (community and foundation) follows a statutory procedure laid down by the School Standards and Framework Act 1998, regulations and guidance from the Secretary of State. A statutory pre-condition for the publication of statutory proposals by an LEA is that there must have been consultation on the proposals in accordance with the Secretary of State's guidance. Members will need to satisfy themselves before making a decision that this is the case. The proposals here are in reality an amalgamation of the two schools which is technically being achieved here by the closure of both schools and the opening of a new one on the same sites. In this instance the closure of Emily Fortey and the opening of the new school on that site will require the owners or trustees of the Emily Fortey site to transfer ownership of the site to the Council.

4.3 Whilst investigations continue into the ownership of the Emily Fortey site there is little risk to the proposals in their progression on the basis that it can be assumed that the land is held in trust for educational purposes and that transfer of land can be

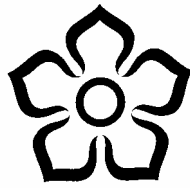
successfully accomplished when title issues are resolve. Staff at Emily Fortey are employed by their current Governing Body and as there will be a change of employer for these staff by the creation of a new community school they will transfer to the employment of the Council under the provisions of the Transfer of Undertaking (Protection of Employment) Regulations 1981. (Guy Goodman, Assistant Head of Legal Services)

5. Report Author/Officer to contact:

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DECISION STATUS

Key Decision	Yes
Reason	Significant in terms of its effects on an area comprising one or more wards
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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SUPPORTING INFORMATION

1. Report

Background

- 1.1 At their meeting of 24 January, Cabinet Members agreed to further consultation on the proposal to amalgamated Emily Fortey and Piper Way schools. This paper reports on the responses received and informs members of some of the implications of the amalgamation.

Consultation

- 1.2 Extensive consultation on SEN has been undertaken over the last few years.
- 1.3 In 2003/4 Emily Fortey and Piper Way schools were two of the six schools included in a proposal to realign SEN provision in the city by closing them and creating 3 new schools. The SEN Review Consultation document was sent to parents, staff and governors of the six schools in December 2003 and meetings with officers arranged for early in 2004.
- 1.4 Meetings for governors and parents of pupils at Emily Fortey School were held on 10 February 2004 for governors and parents of pupils at Piper Way School on 9 March 2005.
- 1.5 Meetings for staff in special schools in the city held on 2, 3 and 4 February 2004.
- 1.6 Consultation with city SENCOs took place on 15 March 2004.
- 1.7 Responses to the consultation were reported to Members on 11 January 2005.

- 1.8 The LEA wrote parents on the proposed amalgamation of the schools on 25 January informing them of Cabinet's decision. The LEA wrote again on 11 February 2005 to parents, staff, governors and other key stakeholders inviting comments on the proposal to amalgamate the two schools.
- 1.9 In addition, parent meetings were offered at both schools. This was taken up by a group of parents at Piper Way school but there was no take-up from parents at Emily Fortey to meet with LEA officers to discuss issues in relation to the proposed amalgamation of the two schools.

Responses to Consultation

- 1.10 Parents who attended the meeting at Piper Way School on 15.3.05 were keen to be reassured that the educational provision currently available would continue and there would be minimum disruption for their children. They also expressed approval of the opportunity to discuss the wider implications of the SEN Review with an LEA officer.
- 1.11 A meeting has been held between LEA officers and the Chairs of Governors at both schools to discuss the proposal and with the full governing bodies of both schools to discuss details of the proposal further.
- 1.12 The LEA has received two formal responses – neither objecting to the proposal:
- 1.13 One from a parent of a pupil at Piper Way school seeking reassurances that: there would be no reduction in the current facilities; no amalgamation into a single building; no deliberate reduction of pupil numbers; the current number of staff remain; and places to be available at the new schools for all pupils that want a place. (The latter does not refer to the proposal but to earlier consultations on the future of all MLD/SLD schools in the City)
- 1.14 Comment: In terms of Numbers on roll (NOR) there are no proposals to reduce the combined NOR of 150. Similarly, this proposal does not seek to combine the school into one building. It is not considered possible to guarantee that the staffing complement would remain unchanged: that would be a matter for the temporary governing body to decide. (See paragraphs 1.19 and 1.23)
- 1.15 The other response was received from the TCC Secretary seeking reassurance that the unions will be totally engaged in all aspects of the proposed amalgamation, that the Change of Status agreement will be implemented; that staff have been consulted; that governors are in agreement with the proposal and seeking clarification on the process of setting up of a new governing body and the implications of Emily Fortey being a Foundation school.

Proposal

- 1.16 It is proposed that a community special school is established with effect from January 2006, retaining two existing sites under a single governing body and management structure and providing for 150 pupils with moderate and severe learning disability,

between the ages of 2 and 19 years, to include a unit for primary-aged pupils with Autism spectrum Disorder.

Implications of the Proposed Amalgamation

School Status

- 1.17 Emily Fortey school is a Foundation special school (previously a Grant Maintained special school) for pupils aged 5-19 with severe and profound and multiple learning difficulties. Piper Way is a community special school for pupils aged 5-11 with moderate learning difficulties. Piper Way also provides a unit for children with Autistic Spectrum Disorders.
- 1.18 Some issues regarding the ownership of Emily Fortey buildings - due to its Foundation status - are still being explored by Legal Services colleagues. However, these are not viewed as critical to the principle of amalgamation. The closure of Emily Fortey and the opening of a new school on that site will require the owners or trustees of the Emily Fortey site to transfer ownership of the site to the Council. Legal advice suggests that proceeding whilst clarification ownership produces little risk as the site is held in trust for educational purposes.

Staffing

- 1.19 It is anticipated that there will be a minimal impact upon staff. There may be some duplication of administrative posts. However, there are differences in the locus of responsibility for staff lies: Staff at Piper Way are employed by the Council and will transfer to the new school. The Education Human Resources Team will offer advice and support in this area.
- 1.20 Staff at Emily Fortey are employed by their current governing body. As there will be a change of employer arising from the creation of a new community school, they will transfer to the employment of the Council under the provisions of the Transfer of Undertaking Protection of Employment (TUPE) Regulations 1981.

Pupils

- 1.21 There will be little or no direct impact on pupils. Individual Statements of Special Educational Needs would need to be amended to reflect new school name.
- 1.22 There are likely to be benefits in the medium to long-term for pupils transferring to secondary provision from the continuity of managing transition within one school.

Governing Body

- 1.23 A temporary governing body will need to be established taking membership from the two existing governing bodies and a Chair will need to be elected. This can be established once statutory notices have been issued. The temporary governing body will be responsible for setting the staffing structure for the new school and advising the LEA whether or not the existing Headteacher should be slotted into the post of Headteacher of the new school.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

2. Financial Implications

These are dealt with in paragraph 4.1 of the Report

3. Legal Implications

These are dealt with in paragraph 4.2 of the Report.

4. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within Supporting Information
Equal Opportunities	Y	
Policy	N	
Sustainable and Environmental	N	
Crime and Disorder	N	
Human Rights Act	N	
Elderly/People on Low Income	N	

5. Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
Objections to proposal during formal consultation period.	L	M	Little reaction to informal consultation from parents of both schools. Formal objections possible from other interested parties. SOC case should make implications of not proceeding clear.
SOC fails to agree closure	L	H	Responses to objections must make clear the budgetary outcomes and their impact upon pupils and staffing, and the impact on funding of other schools if status quo remains. Appeal to Adjudicator.
Legal challenge to amendment of statements of SEN	L	M	Amended statements must ensure that new provision matches needs as set out in statement.

6. Background Papers – Local Government Act 1972

- 6.1 Report to Education & Lifelong Learning Scrutiny Committee ,13 March 2002: Report On Responses To The Consultation Document “Meeting Individual Needs – Leicester City LEA’s Inclusion Strategy”
- 6.2 Report to Cabinet, 17 June 2002: Review of Special Education – Schools with Additional Resources (SARs)
- 6.3 Report to Cabinet, 30 June 2004: Informal meeting between members of Education and Lifelong Learning Scrutiny Committee and parents and staff of special schools regarding the Special Educational Needs Review
- 6.4 Report to Education & Lifelong Learning Scrutiny Committee, 11 January 2005: Responses to the Informal Consultation on Realigning Provision for Pupils with Moderate and Severe Learning Difficulties (MLD/SLD)
- 6.5 Report to Cabinet, 24 January 2005: Special Schools Review – Interim Solution

7. Consultations

- 7.1 Consultation on Proposals to realign six special schools (Western Park, Emily Fortey, Piper Way, Nether Hall, Oaklands, Ellesmere College) into three new special schools. (Consultation closed 31 March 2004)
- 7.2 Consultation on the Proposed Amalgamation of Emily Fortey and Piper Way: (Consultation closed 14 March 2005.)

8. Report Author

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