

# **North Somerset Council**

## **Report to the Children & Young People Policy & Scrutiny Panel**

**Date of Meeting: 29 October 2020**

**Subject of Report: Expansion of Ravenswood Special, Nailsea from 119 to around 140 - 150 places to help to meet the increasing demand for pupil places for those with moderate learning difficulties**

**Town or Parish: Nailsea**

**Officer/Member Presenting: Sheila Smith, Director of People & Communities**

**Key Decision: Yes**

**Reason: Ravenswood School supports girls and boys aged 3 – 19 from across North Somerset with Autistic Spectrum Disorder; Speech, Language and Communication; Moderate Learning Difficulties, Severe Learning Difficulties, Visual Impairment needs and Social, Emotional and Mental Health.**

### **Recommendations**

To show the Panel's support to this expansion consultation that, subject to approval to commence consultations by the Executive Member of Children's Services and Lifelong Learning, is intended to expand our local provision to further meet the needs of pupils with moderate learning difficulties.

#### **1. Summary of Report**

- 1.1 There is a projected increase in demand for all special school places across North Somerset and this includes pupils with Moderate Learning Difficulties. This is due to demographic growth and an increase in the numbers of pupils with these learning characteristics.
- 1.2 The Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2019 <http://www.n-somerset.gov.uk/wp-content/uploads/2018/09/Education-Provision-in-North-Somerset-a-commissioning-strategy.pdf>, supports plans to increase the numbers of places available to pupils with SEND. Three expansion proposals, the first to meet the needs of secondary-aged High-Functioning pupils with Autism at Nailsea School and the second and third to create extra infant-phase places and more 16<sup>th</sup> form places at Westhaven Special School have been delivered. The expansion of Baytree School consultation process is in progress and a consultation to create primary places for High-Functioning pupils with Autism at Mendip Green Primary School commenced this month. This change is part of an overall strategy to supports the increase in provision for pupils who would benefit from the education and support provided by Ravenswood Special School.

- 1.3 This report seeks the CYPS Policy & Scrutiny Panel's support to a consultation to expand Ravenswood Special School. Formal approval to progress a consultation will be sought from the Executive Member of Children's Services and Lifelong Learning with a final decision to be made by The Executive.

## **2. Policy**

- 2.1 Section 14 of the Education Act 1996 provides Local Authorities (LAs) with a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas.
- 2.2 The School Admissions Code does not apply to special schools. For community special schools the Local Authority can propose an expansion of a special following a statutory process. North Somerset's Executive is the decision maker for this form of statutory change.
- 2.3 Where a proposed age range change requires an expansion of the school premises, the Local Authority (and Governing Body) must also ensure they act in accordance with the requirements for proposals for the enlargement of premises.
- 2.4 The Council's agreed Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2021 is the policy base for any local decisions.
- 2.5 Special schools can be considered for expansion when they are classed by Ofsted as good or outstanding, there is a proven demand for places, where any building works will increase capacity but also enhance and assist to resolve condition issues, and where the increase fits with the Council's strategic principles as outlined in its commissioning strategy.

## **3. Details**

- 3.1 Ravenswood Special School (Ravenswood) is located in Nailsea and supports pupils with Education, Health and Care Plans (EHCPs) who have Autistic Spectrum Disorder (ASD); Speech, Language and Communication (SLC); Moderate Learning Difficulties (MLD), Severe Learning Difficulties (SLD), Visual Impairment needs (VI) and Social, Emotional and Mental Health (SEMH).

They use a person-centred approach to support their students in planning their futures.

The school is very proud of the progress pupils make at Ravenswood. Outstanding Progress means that at least 90% of a cohort make at least expected progress with more than 75% meeting or exceeding the challenging targets they set. Pupil can take national examinations such as GCSEs and they achieve Entry Level and Entry Pathways outcomes as well as AQA Unit Awards. Post-16 pupils follow a programme that provides them with a range of Functional Skills and Adan Results. They are also encouraged to follow programmes such as The Duke of Edinburgh Awards scheme and have been successful and Bronze and Silver levels.

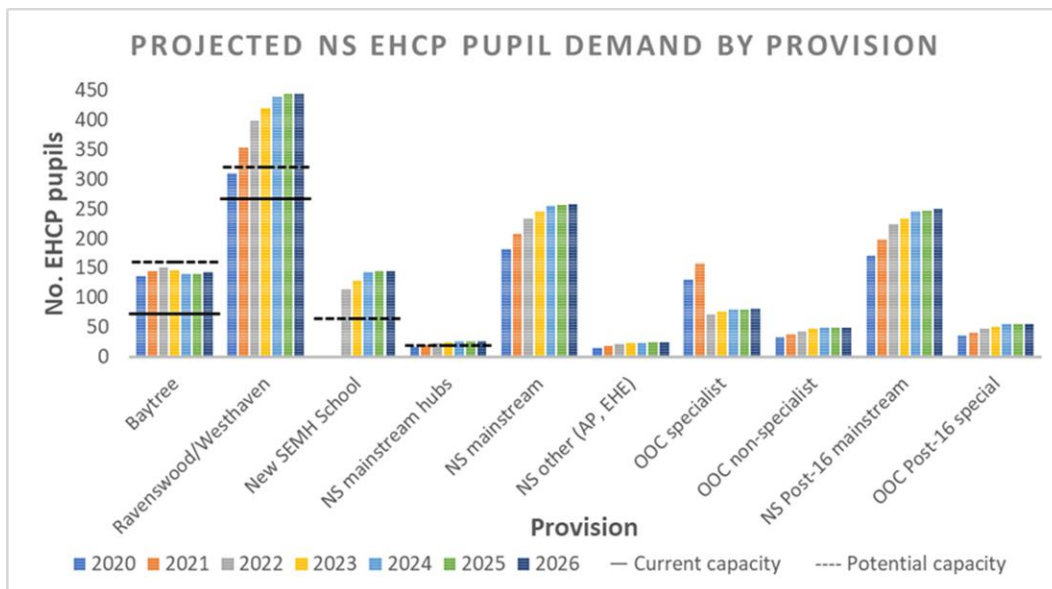
A pupil cannot attend Ravenswood without an EHCP.

Ravenswood was classes by Ofsted in November 2017 as a good school.

3.2 Buildings previously used by the Voyage Learning Campus, adjacent to Ravenswood, became vacant in February 2020. Parts of this site could be transferred to the ownership of Ravenswood to enable the school to expand to accommodate extra pupils. Due to Covid-19, a review of the site and options to increase provision are not as far forward as previously hoped prior to the start of the pandemic. A review of the site and its capacity to accommodate pupils will form part of this consultation process, although there is an expectation that the increase will provide between 140 and 150 places in total, dependent on configuration alterations to the existing buildings. This could enable the school to have a 'Place Value' of between 140 and 150 pupils and allow between 28 and 38 extra admissions. The current site capacity is in the region of 100 - 112 places (dependent on the needs of the pupils).

3.3 Demand for SEND places continues to grow. This is partly due to demographic growth and medical advancements helping more children to survive. The resulting outcome is a deficit of local places with more children needing to access education in costly out of the district establishments. Local schools are full, and demand continues to rise.

The LA is statutorily responsible for finding and funding appropriate SEND school places. Place demand is already exceeding local supply – see below.



3.4 To date the following projects are in progress:

- Specific Learning Disability and High Functioning Autistic Spectrum Disorders (ASD) Resource Bases for pupils with High Functioning ASD across the primary and secondary sector, to be available from September 2020 as below:
  - Secondary Provision: The resource base on Nailsea School’s site for up to 10 pupils opened on 1 September 2020 with 7 students on roll.
  - Primary Provision: the LA is supporting Mendip Green Primary School/ELAN Trust to create a 10-place resource base on their site. A

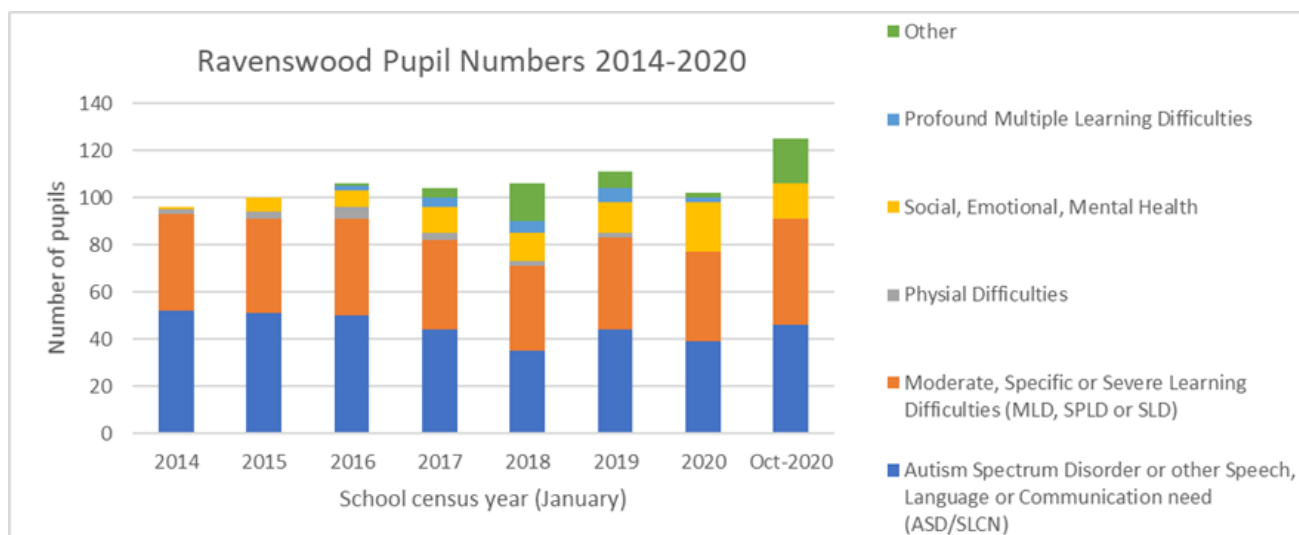
consultation is now live, and it is hoped that, subject to RSC and planning approvals, this new provision will open to students in September 2021.

- Social Emotional Mental Health ~Wave 13 Bid Progress – Learn@MAT were successful in gaining approval from the DfE to run a new 65-place SEMH school and their sponsorship was announced in July 2020. The DfE have agreed to work with successful LAs, though the national Free School Programme, to open schools for pupils with special needs and disabilities locally. The new school buildings are expected to be open by September 2023.
- Complex Physical Needs ~ Baytree School - the Town and Village Green (TVG) and planning application for a 2<sup>nd</sup> site for Baytree Special School were considered by the Council's Planning & Regulatory Committee at their meetings in August and September 2020 respectively. The application for the land at Brookfield Walk to be registered as a TVG was refused and the planning application for the new school supported by the committee. The latter is subject to Secretary of State approval due to the site's greenbelt and flood risk 3a status. The earliest contractors could be on site is early in 2021 for a September 2022 opening, but this is subject to Secretary of State review and possible unsuccessful appeals, the duration of which are not yet confirmed.
- Moderate Learning Difficulties/Autism Spectrum –despite the complexities of delivering a new building during the Covid-19 pandemic at Westhaven School the new infant-phase unit for up to 18 pupils opened at Westhaven in September 2020. The school also became a 4 – 19 provision in September 2020 and now has a 10-place 6<sup>th</sup> form that will grow incrementally over the next 2 school years.
- Pupil Referral Unit ~ Voyage Learning Campus (VLS) - Planning permission was granted in August 2020 for a two-classroom demountable building to be added to the VLC site in Milton. Officers are working with the school and are hopeful the building will be ready towards the end of 2020.

Whilst the increases in provision following the work above is providing some extra capacity this falls short of the overall demand predicted between now and 2026. Significant further investment (yet unfunded) is required.

- 3.5 Specifically for Ravenswood demand is increasing due to both the increase in demographic growth across North Somerset and the increasing needs of pupils with ASD; SEMH; SLC and VI.

Analysis of the five most recent years of annual school census data shows that Ravenswood's pupil cohort has grown by 15%, from 108 students in 2016 to 125 in 2020. The primary needs of Ravenswood's pupils have also changed during this time. The school now caters for 29% ASD pupils; 22% MLD; 14% SLD; 12 % SEMH; 8% SLCN and 15% other.



The SEND and AP Review and the Education Commissioning Strategy both support the provision of local schools for local pupils, including those with SEND where appropriate.

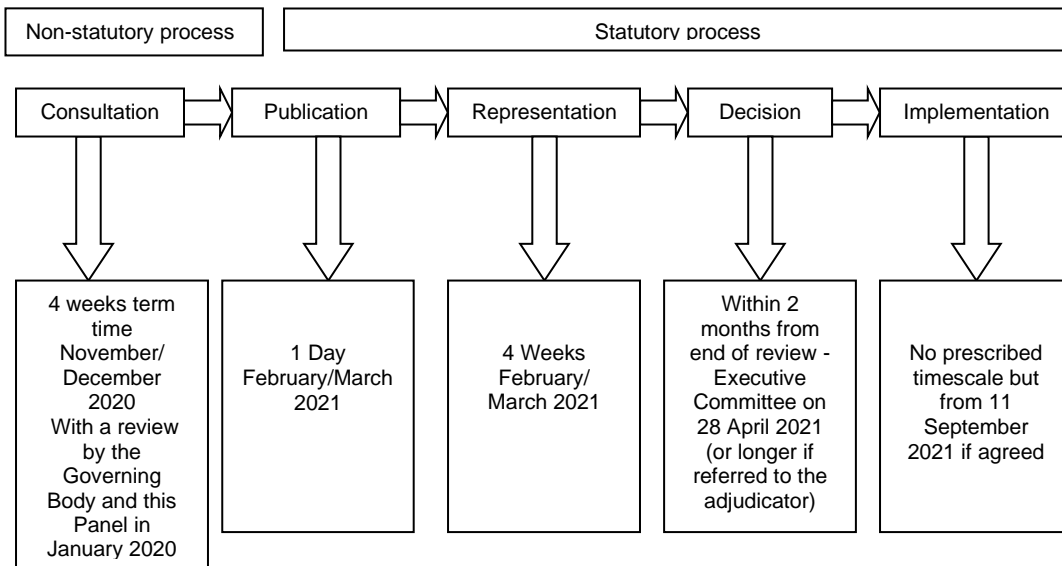
3.6 Officers have been working with senior staff and governors at Ravenswood to increase provision and all agree in:

- the principle of 'local schools for local children' is equally applicable to children with additional needs
- demand for specialist provision current exceeds supply in North Somerset and extra provision for pupils at Ravenswood will help to meet this demand
- this change could be the first of several reviews that, subject to significant capital funding being made available, could provide for further expansions of the site in the future

3.7 Increasing the place value admission levels of Ravenswood would increase the numbers of permanent available places from up to 112 to up to 150. Initially the growth would be concentrated in the infant phase where there is a significant increase in demand, although extra provision across all cohorts is needed and possible.

#### 4. Consultation

4.1 The 'Making Significant Changes (prescribed alterations) to Maintained Schools ~ Statutory Guidance for Proposers and Decision Makers – October 2018 recommends that Local Authorities should consult interested parties when developing proposals prior to the formal publication of any proposals. For the significant changes such as the one being recommended, this would include holding consultations and virtual public meetings during term time.



4.2 The Council's Executive is the body that will need to determine whether the school should be expanded. It can agree with the proposal, agree to the proposals with certain conditions or reject the proposal. The legislation requires a decision to be referred to the Decision Maker within two months of the end of the consultation period (the end date for the Statutory Notice). Allowing for reviews, the first Executive Committee meeting date is likely to be 28 April 2021.

The local Diocesan Bodies, School Trustees and the school's Governing Body are the only organisations that have the right to appeal to the School's Adjudicator against the Council's decision.

4.3 Consultees will include stakeholders of the school i.e. families of children of the school; pupils of the school; potential pupils of the school via known early years providers; any other school affected by the change; the governing body/staff of the school and other schools affected by the change in North Somerset and at schools with places commissioned by North Somerset outside the area; trade unions; the local MPs; Town and Parish Councils; the Diocese of Bath & Wells; Diocese of Clifton; Early Years Stakeholders; neighbours of the school and other members of the general public.

## 5. Financial Implications

5.1 Special Schools are funded from the high needs block of the schools' budget, which is funded from the Dedicated Schools Grant. Funds are distributed to schools based on formulas and allocations set by the Strategic Schools' Forum (SSF). The High Needs block not only covers maintained special schools and the Council's Pupil Referral Unit, but also SEND Top Up Funding and placements for pupils in independent and private non-maintained schools.

### Costs and Revenue Funding

5.2 Additional funding is available to schools that have a significant pupil growth during a financial year. For special schools, based on the current policies, the funding the school will receive from existing budgets is as below:

- i. If numbers exceed the places agreed when the individual school's budget was allocated, then the school will receive 1/12<sup>th</sup> of the place funding for each place each month that the places are exceeded.
- ii. The school will also receive Top-up Funding (TUF) for these pupils appropriate to their needs and in accordance with the banding agrees with the Strategic School's Forum.

The school's budget for the 2021/22 school year is likely to be set by the Strategic Schools Forum by 28 February 2021.

- 5.3 It is likely that for the 2021/22 school year, if the pupils that could be allocated places at Ravenswood were to be educated outside of North Somerset, the likely cost of their placements per annum would be in the region of an average of £41,400 per annum per student. (This includes a 'Top-Up' funding allocation based on an individual pupil's needs and the £10,000 per place funding to purchase a placement in a special school outside of the district over and above that school's capacity). In addition, there would be home to school transport costs that are dependent on the journey length and numbers of pupils in each vehicle.
- 5.4 This proposal will, due to increasing pupil numbers, have an impact on Ravenswood's revenue budgets (as detailed in 5.2 above) and on the high needs budget. Special Schools are funded based on Place Values – the numbers of places to be commissioned in any period – and not pupil admission numbers.

Schools also receive Top-Up Funding paid through a banding allocation to pay for the bespoke needs of individual students.

- 5.5 The Dedicated Schools Grant has a current projected deficit at the end of 2020/2021 of -£6.25m. The demand over the last 3 years has had this impact. The Strategic Schools' Forum (SSF) agreed to contribute £500k each year to recover the deficit by moving funding from the schools' block to the High Needs Block. The movement of funding requires DfE approval each year.

### **Capital Funding**

- 5.6 A small grant of £20,000 was made available to Ravenswood to enable small site upgrades to parts of the VLC site to be made.
- 5.7 Officers and representatives of the school are working together to review options for the school site. A feasibility assessment will soon be commissioned although, to-date, there is no capital funding available to bring forward significant changes.
- 5.8 An assessment of the internal modifications needed to enable the Ravenswood site to be altered to allow the school to accommodate extra pupils is underway. Initial thoughts are that a budget of up to £50k may be needed to made changes in time for, subject to all approvals, an expansion of the school by September 2021.

## **6. Legal Powers and Implications**

- 6.1 The School Standards and Framework Act 1998 sets out how Local Authorities should exercise their statutory duties to secure primary and secondary education to meet the needs of the population in their area. The Education and Inspection Act

2006 enhanced the role of Local Authorities, making them strategic commissioners of services with a mandate to promote high standards for all and greater choice and diversity.

- 6.2 The Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 requires Local authorities to consider and respond appropriately to parental representations about school provision in relation to local authorities' functions under Section 14 of the Education Act 1996. Local Authorities must reasonably consider parental representations regarding the provision of schools and respond accordingly, including outlining any proposed action or, where it is considered action is not needed, to explain the reasons for this.
- 6.3 The Education Act 2011 maintains the role of Local Authorities as the strategic commissioner of services but provides greater autonomy of education provision by the encouragement of the establishment of academies, free schools, studio schools and Enterprise Colleges that are independent of the Local Authority. The Act gives Local Authorities 'a critical new role as strengthened champions of choice, securing a wide range of education options for parents and families, ensuring there are sufficient high-quality school places, co-ordinating fair admissions, promoting social justice by supporting vulnerable children, and challenging schools which fail to improve.'

## **7. Climate Change and Environmental Implications**

- 7.1 The nature of Ravenswood's pupils' needs is such that most are likely to be taken to school on minibuses that will be accommodated on site. Often pupils qualify for free home-to-school transport. The Council is committed to becoming carbon neutral by 2030. Reducing the journey lengths of pupils attending special schools, some of whom may have to attend schools outside of the area if they cannot be allocated a school place more locally, will assist with this commitment.

## **8. Risk Management**

- 8.1 Whilst early consultations with the public are not statutory, it is important that the strategic plans and commissioning strategies the school and Council wishes to pursue in relation to its special education provision planning should be shared with schools, other partners and local stakeholders. By consulting on proposed plans, the risk of not providing the right forms of education was mitigated.
- 8.2 In expanding current schools, the Council must be mindful not to compromise the educational opportunities available to pupils prior to the expansion. The school will need to manage increases in pupils and staff numbers. Having new staff can bring benefits of wider experience and expertise that can be available to all the pupils.
- 8.3 There is no capital requirement for this expansion, although the Council would look to transfer parts of the vacant VLC site to Ravenswood if the expansion is agreed.
- 8.4 As this increase in places will not be confirmed prior to the Autumn 2020 place return, there will not be any Education, Skills and Funding Agency (ESFA) funding allocated within the national allocations for the 2020/21 academic year for Ravenswood. This can be rectified in the 2021/22 return if the expansion is formally approved. As a result, the Council will need to apply the "in-year changes" process whereby we pay the place funding monthly based on actual numbers at the school



(rather than the whole additional capacity). The Council will work closely with the school to ensure that all places allocated are for those pupils requiring specialist placements and not for children who could stay or be placed in mainstream settings.

## **9. Equality Implications**

[Have you undertaken an Equality Impact Assessment? Yes/No

9.1 If permission is granted to commence consultations, an EIA will be undertaken prior to the start of this process. Under section 149 of the Equality Act 2010 the School has the following public sector equality duties:

- I. Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act.
- II. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- III. Foster good relations between people who share a protected characteristic and those who do not.

9.2 In planning of the expansion of Ravenswood, the Expansion Group will consider the impact this could have on a range of equality groups including: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage or civil partnership. These groups are described as 'protected characteristics' in the Equality Act 2010.

In summary, initial thoughts if the proposal were to go ahead is that the impact on the protected groups overall is positive. The consultation material will ask if consultees have equalities concerns so the impact can be re-assessed at the end of this consultation period.

Protected Characteristic Groups	Impact: High (H) Medium (M) Low (L) or None (N)
Disabled people	H
People from different ethnic groups	N
Men and women	L
Lesbian, gay or bisexual People	N
People on a low income	M
People in particular age groups	M
People in particular faith groups	N
Transgender people	N
People who are married or in a civil partnership	N
Women who are pregnant or on maternity leave	N

## 10. Corporate Implications

10.1 The Council has a duty to meet the school-place needs of primary and secondary-aged pupils living in North Somerset including those with special educational needs and disabilities. This consultation intends to seek the views of pupils, parents, staff and local stakeholders to ensure that the best possible long-term educational outcomes can be achieved for children with moderate learning difficulties and that local resources are used effectively across the whole district.

## 11. Options Considered

11.1 To not expand the school and rely on meeting the needs of North Somerset pupils through commissioning places at schools and other settings outside of this area.

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**Appendices:**

None

**Background Papers:**

Education Provision in North Somerset ~ A Commissioning Strategy 2018 – 2021 – see <http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/education-commissioning-strategy.pdf>