

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Children and Education Services</b>
<b>2.</b>	<b>Date:</b>	<b>16<sup>th</sup> February 2015</b>
<b>3.</b>	<b>Title:</b>	<b>Proposals for Abbey School</b>
<b>4.</b>	<b>Directorate:</b>	<b>Children and Young Peoples Services</b>

**5. Summary**

This report seeks a Cabinet determination on future proposals for Abbey School.

**6. Recommendations**

**It is recommended that Cabinet Member approves:**

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- a) **Cessation of the current pre statutory consultation process and for the school to remain open.**
  - b) **Given above, to commence a period of statutory consultation by the posting of a public notice in relation to revised proposals for Abbey School remaining open to cater for a reduced number of 60 pupils with a specified range of low to moderate level special needs**
  - c) **The development of an action plan to deliver a medium term balanced budget**
  - d) **The orderly dissolution of the Winterhill partnership**
  - e) **The establishing of plans to federate / work closely in partnership with a highly performing special school**
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## 7. Proposals and Details

Following the recent Ofsted inspection placing the school in special measures, a report was submitted to the Cabinet Member for Children and Education Services on 8<sup>th</sup> December 2014, seeking approval to commence pre statutory consultation on proposals to close Abbey School as a Special Educational Needs School.

The inspection of the school highlighted significant health and safety, safeguarding and teaching and learning concerns.

A summary of the key observations from the Ofsted Inspection of 30.9.14 to 1.10.14 are shown below:

### **Summary of key findings for parents and pupils**

**This is a school that requires special measures.**

- Leaders, including governors through their work, have not ensured that pupils and students are safe and secure.
- Planned actions to improve the school are not yet effective and the quality of teaching has declined considerably since the last inspection.
- Leadership at all levels does not demonstrate the capacity to bring about the much needed improvements to the school.
- Governors are not well enough informed to be able to hold leaders robustly to account for the school's performance.
- Pupils and students are not guided well enough to know how to stay safe. Too many abscond from school and staff are not always aware of their whereabouts, which puts them at risk.
- The behaviour of pupils and students is inadequate; often it is not managed well enough. Exclusion rates are high. Incidents where staff use physical restraint are also high and not always recorded adequately.
- Teachers do not have high enough expectations of what pupils and students can achieve. Assessment information is not used well enough to ensure that learning is interesting and suitably challenging. Consequently, in lessons where this is the case, poor behaviour results and disrupts learning.
- High levels of staff turnover and absence are hindering efforts to improve the quality of teaching. Staff covering other teachers' lessons are not well enough prepared for each lesson; consequently learning and progress are often very slow.
- Attainment by the end of Key Stages 2 and 4 is exceptionally low. Overall pupils and students show inadequate achievement.
- Disadvantaged pupils and students are not supported well enough, because funding for them is not used effectively. The most able pupils and students are also not well provided for; as a result, these students also underachieve.

### **The school has the following strengths**

- Leaders have welcomed the partnership with Winterhill School and support from the acting executive headteacher. Together they have an accurate view of the school's performance.
- Actions taken to improve arrangements for pupils and students arriving at school each morning have been successful. Everyone now receives a warm welcome and is well prepared to start each day.

Since that time an experienced Interim Executive Board (IEB) has been established.

A significant number of pupils have moved to other schools at parents' request or to ensure their special needs were appropriately and safely met.

Given the reduction in pupil numbers, the IEB together with the School's Leadership Team and Local Authority, have established a safer and more learning focused environment at the School. As a consequence, there are realistic and a wider range of options now available for consideration and determination by Cabinet Member.

These options are also supported by the independent review commissioned by the Strategic Director of Children and Young People's Services (APPENDIX 1).

**Options available for consideration and determination by Cabinet Member are outlined as follows:**

**Option 1 – Closure**

With the proposed closure of Abbey School there are significant implications for existing staff employed at the school.

Existing staff will all potentially be at risk of redundancy as a result of the proposed closure.

There are currently no contractual arrangements linking any particular members of staff to any particular pupils at Abbey and, as a result of this and also the factors relating to the dispersal of pupils across a number of schools, all of whom have existing staffing structures, our view, which is supported by early discussion with Legal Services is that this will mean that when pupils move from Abbey to be educated at other Rotherham Special Schools, as is the proposal, there will be no automatic right for staff to be employed in those other schools.

However, it is our intention that we give all appropriate support and assistance to staff should this proposal go forward and staff be at risk.

Part of this support will be seeking appropriate priority for existing Abbey staff for any vacancies that may arise at other Special Schools as a result of these changes. Whilst it is clear that any subsequent vacancies that may arise will be much less in number than the current number of Abbey staff, there may well be opportunities for some staff to be employed in the other Special Schools and we will be seeking to ensure that Abbey staff who are at risk get every opportunity to be appointed to those roles.

We will also be exploring all other redeployment opportunities, both in Schools and elsewhere in the Local Authority to make sure that any possible redeployment opportunity can be accessed to avoid redundancy.

The first step in consultation with staff and their Trade Unions on this issue will be an early consultation meeting to set out to staff and Unions the proposal and the implications for staff.

There will be a 30 day consultation period, following the issue to Government Office of a HR 1 form, setting out the numbers and types of staff at risk.

It would be our intention, if there are no changes to the proposal that notices would be issued to staff early in early 2015. Redeployment efforts will continue right up until those notices take effect (31<sup>st</sup> August 2015 at the latest).

Following the proposed closure of Abbey School the site would need to be considered for alternative education purposes in line with DfE requirements.

## **Option 2 – Reduction in the number of planned places at the school**

Given the positive impact of the current reduction in pupil numbers an alternative option would be to retain the school but reduce the number of planned places from 105 to 60 so that recent progress made can be sustained and built upon. The school would continue to require significant support to ensure all of the concerns outlined by Ofsted were addressed and that the school offered safe, full-time learning opportunities and good progress for all pupils.

Some staff would potentially be at risk of redundancy as a result of the proposed reduction in size. All of the commentary above in Option 1 concerning support for those potentially at risk of redundancy would apply.

To formally reduce the number of places at Abbey School from 105 to 60 would require a 'prescribed alteration' to be made to the school (*under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*).

A public notice period will be required and a final determination made by the 'Decision Maker' at the end of that process, after consideration of any representations received.

The Department for Education and Secretary of State for Education would also need to be informed accordingly of the proposals and determination.

The Schools progress would need to continue to be robustly monitored and the position reviewed on a termly basis until the Local Authority, Department for Education and Secretary of State for Education are satisfied that there is sustainable progress and the school can move forward towards a 'good / outstanding' Ofsted profile.

## **Option 3 – Amalgamation**

A permanent amalgamation could be pursued between Abbey School and a neighbouring school. To formalise an amalgamation the two schools would need to be within a reasonable distance of each other and the school to be amalgamated with Abbey would need to have a 'good' or 'outstanding' Ofsted rating, with the leadership capacity to move the amalgamation forward.

The process would involve making a prescribed alteration (*under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*) to the school to amalgamate with Abbey School in relation to areas such as pupil numbers, designation, age range and other factors.

To run concurrently to the prescribed alteration proposals to another school would be a proposal to formally close Abbey School as an education establishment in its own right (*under the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013*). The Abbey site would remain 'as is' as an educational establishment but as part of the newly amalgamated school.

The newly amalgamated school would retain the Department for Education (DfE) unique reference number of the school to be amalgamated with Abbey School, along with its current Ofsted rating. Abbey Schools DfE details would cease to exist from date of formal closure as a school in its own right.

#### **Option 4 - Academisation of the School**

The Local Authority could seek a sponsoring Academy to take over the control of the school. It should be noted that this option could be 'instructed' by the Department for Education. This would involve a time period to seek a suitable sponsor gain approval from the Department for Education and follow due legal process to transfer staff and assets to the control and employment of an Academy Trust. However, it may prove difficult to attract a suitable sponsor.

#### **Option 5 -- Retain the school as is**

It would be difficult to adequately address all of the concerns outlined by Ofsted and others within an appropriate time-scale. There would be continuing concerns about safety and the quality of provision.

It should be noted that approval to progress to a period of Statutory Consultation on proposals to keep the school open catering for a smaller number of children, will be with clear expectations that all pupils at the school will make good progress. The situation at the school will be reviewed annually drawing on a range of evidence to include progress data and Local Authority and Ofsted Inspection reports.

### **8. Finance**

There is a national framework for funding specialist provision involving both 'Place' and 'Top-up' funding. Special schools receive £10,000 for each place commissioned, whether or not the place is filled. They also receive an agreed amount of 'Top-up' funding related to the actual cost of a placement. Top up funding is only paid when a place is filled, i.e. funding follows pupils. If the number of places commissioned at the school reduces or increases, both Place and Top up

funding will change to reflect this. In this way the Local Authority can ensure funding can support pupil placements wherever that may be.

## **9. Risks and Uncertainties**

There are always risks and uncertainties when school place provision is considered since future pupil numbers are based on a combination of current knowledge of needs, gaps in provision and estimations of future need. Local Authorities however are obliged to provide sufficient places, promote diversity and increase parental choice.

## **10. Policy and Performance Agenda Implications**

### Rotherham School Improvement Mission:

- ~ All children will make at least good progress
- ~ There will be no underperforming cohorts
- ~ All teachers will deliver at least good learning
- ~ All schools will move to the next level of successful performance

## **11. Background Papers and Consultation**

The School Organisation (Establishment and Discontinuance of Schools)  
Regulations 2013

The School Organisation (Prescribed Alterations to Maintained Schools) (England)  
Regulations 2013

School Organisation (Maintained Schools) guidance for proposers and decision  
makers (January 2014)

Independant review commissioned by the Strategic Director of Children and Young  
People's Services (APPENDIX 1)

Summary of the outcome of pre statutory consultation

Representations received during the pre statutory consultation phase by petition

Should proposals move forward to Statutory consultation, a final decision should be determined by the 'Decision Maker' within 2 months from the end of the representation period. If this fails to be done, then the matter is referred to the Schools Adjudicator for decision.

## **Consultation timeline**

Cabinet Member agreed to pre statutory consultation	<b>8<sup>th</sup> December 2014</b>
Pre statutory consultation period With stakeholders	
Report to Cabinet detailing the outcome of pre statutory consultation and seek approval to commence Statutory Consultation.	<b>25<sup>th</sup> February 2015</b>
Publication of statutory notices and proposals (4 week period)	<b>17<sup>th</sup> April 2015</b>
Four week period for public Notice closes	<b>15<sup>th</sup> May 2015</b>
Report to Cabinet and final Determination of proposals and notification to the Secretary of State for Education	<b>24<sup>th</sup> June 2015</b>
Implementation Date	<b>End of the 2014/15 Academic Year</b>

Consultation meetings / correspondence have been undertaken with the Governing Body / interim Executive Board of the School, Staff with Trade Union representatives, Parents / Carers of pupils at the school, local Councillors, local Parish Councils, local MPs, all Rotherham Schools and other stakeholders.

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