



Meeting: Council

Date: 4 December 2014

Wards Affected: All

Report Title: Amalgamation of Torbay Pupil Referral Unit and Torbay School

Is the decision a key decision? No

When does the decision need to be implemented? 1 January 2015 – call-in has been waived for this decision

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1. Purpose and Introduction

- 1.1 The Local Authority (LA) has a statutory duty to ensure that appropriate school provision is made available for all children within its area; including alternative provision for those with challenging behaviour who have been excluded from mainstream school.
- 1.2 As part of that duty the LA must regularly review the provision on offer and it is as a result of its recent review and its commitment to developing high quality alternative provision that the LA is putting forward the proposal to bring the provision offered by the existing Pupil Referral Unit (PRU) under the management and governance of Torbay School.

2. Proposed Decision

- 2.1 That the Torbay Pupil Referral Unit be closed from 1 January 2015.
- 2.2 That Torbay School be expanded to include 74 places for non-statemented children with challenging behaviour from 1 January 2015.

3. Reason for Decision

- 3.1. The proposals, being put forward by the LA, are to bring the PRU under the leadership and governance of Torbay School – a special school for secondary aged children with behavioural, emotional and social difficulties (BESD).
- 3.2. The alternative provision, formerly offered by the PRU, will continue to operate and deliver education from its existing sites (at Waterside, Polsham and Hillside) and admit

pupils in line with its current admission criteria including sixth day provision for excluded pupils, the only difference will be that from the implementation date it will be managed and governed by Torbay School; in line with the LA recommendations.

- 3.3. Torbay School will, therefore, become a split school site continuing to offer 60 places at its existing site on Torquay Road with the additional 74 places on offer at the alternative provision sites.
- 3.4. As these changes constitute a change in school organisation the LA has had to follow statutory guidance, this means that in order to bring these two provisions under one leadership team with one governing body and one Department for Education (DfE) number, one of the provisions had to be closed and then the other expanded to include the closed provision.
- 3.5. Therefore, technically the PRU has to close on the implementation date and Torbay School be expanded; however, by ensuring that both changes are implemented on the same day there is no break or risk to the provision/services on offer.

Supporting Information

4. Position

- 4.1 Overall demand for specialist places for primary and secondary aged children with behavioural, emotional and social difficulties (BESD) needs is rising so it was a priority for the LA to review its current arrangements and maximise opportunities for enhancing and improving that provision.
- 4.2 Historically, provision for this type of need has been developed on separate sites over a number of years and whilst these children would have specialist places available to them, these provisions were standalone without the benefit of management through a school.
- 4.3 In 2013 the LA established alternative provision for primary aged children with challenging and difficult behaviour at the Chestnut Centre, placing the leadership and governance for this provision under Mayfield Special School.
- 4.4 Then in its review of alternative provision for secondary aged children with similar needs the LA appointed the headteacher of Torbay School as the Executive headteacher of the PRU. This brought the PRU in closer alignment to Torbay School, a special school that caters for secondary aged children with BESD.
- 4.5 Since then the LA has been working closely with the headteacher to develop the alternative provision further and currently all provision for excluded secondary pupils and those with behavioural needs is now accessed via the PRU under the management of the Torbay School.

- 4.6 However, the PRU is governed by a management committee that is independent of Torbay School whilst the school is governed by a governing body. This means that the headteacher is accountable to two separate bodies that have individual budgets and not necessarily a clear understanding of the needs of the other provision.
- 4.7 The LA believes that, by bringing the PRU under the governance and leadership of Torbay School, both provisions would benefit financially and strategically.
- 4.8 Consolidating provision would enable:
- The sharing of teaching resources.
 - The sharing of BESD and specialist expertise.
 - The more effective planning of a continuum of provision secondary aged children with these needs.
 - The realisation of cost efficiencies through shared support services.
 - Opportunities for staff to work in both settings providing more job security and scope for progression.
 - Opportunities for whole staff development and training across all these provisions.
 - A more responsive approach to supporting mainstream schools to meet the needs of students with challenging behaviour.
- 4.9 The aim of this proposal is to facilitate that consolidation and the ongoing development of a high quality alternative provision for these vulnerable secondary aged children.

5 Possibilities and Options

- 5.1 The alternative option is to continue with the current situation with a standalone PRU which the LA is responsible for and which is managed by a management committee.
- 5.2 The disadvantages to this option are that the LA does not realise the opportunities identified in paragraph 4.8 above.

6. Fair Decision Making

- 6.1. The proposals were developed following long discussions between the current headteacher and LA officers.
- 6.2. Once formalised the proposals were subjected to a 4 week consultation. A copy of the consultation was sent to all interested parties including the families of those attending the provisions, all Torbay schools and the staff, governors and members of the management committee of each provision.
- 6.3. In addition the headteacher held informal meetings to discuss the proposals and their implications in more detail at each provision.

- 6.4. At the close of the consultation only 5 responses had been received, this equates to a 2.6% response rate. 100% of the responses received were in support of the proposal.
- 6.5. A copy of the consultation papers and a summary of the responses received are attached as Appendix 1 and Appendix 2 respectively.
- 6.6. Taking into account the outcome of the consultation and the fact that none of the responses were negative, the LA did not make any changes to the proposals and proceeded to the next step of the statutory process; the publication of statutory notices.
- 6.7. The notices were published on the 23rd October and in line with statutory guidance there then followed a 4 week representation period providing all parties a further opportunity to share their opinions on the proposals.
- 6.8. A full copy of the statutory notices and the full proposal are attached as Appendices 3, 4 and 5.
- 6.9. The Council did not receive any letters during the representation period. Therefore, no changes have been made to the proposals.
- 6.10. As this proposal will have an impact on provision for vulnerable young people an Equality Impact Assessment had been completed and is attached as Appendix 6.

7. Public Services (Social Value) Act 2012

- 7.1 The proposals do not directly require the procurement of services or the provision of services with the purchase or hire of goods or the carrying out of works.

8. Risks

- 8.1. If the proposal is not implemented there is a significant risk that the alternative provision would not be developed as a continuum of provision and the benefits identified in paragraph 4.8 would not be realised.
- 8.2. With any proposed change there are potentially risks to employees and service users. To minimise this and to effectively manage the transition process the Headteacher has prepared an Implementation Plan; a copy is attached as Appendix 7.
- 8.3. If the proposal is implemented then there is the risk that Torbay School could seek and attain academy status. In this incidence the buildings and land it uses, including any additional premises taken on through this proposal, would be transferred to the school. However, this would be done via a 125 year lease and the school would not be able to dispose or sell any of the land or buildings without the Council's consent. The PRU premises at the Hillside and Polsham sites are owned by the Council. The site at Waterside is leased by the Council, if the service was managed by Torbay

School and they then attained academy status, then the lease would have to transfer to them for which the Council would need landlords consent.

- 8.4. As the staff, both at Torbay School and at the PRU are directly employed by Torbay Council there will be no formal transfer of staff required. Instead staffing issues will be dealt with through internal re-organisation processes.

Appendices

- Appendix 1 Consultation Documents
- Appendix 2 Consultation Summary
- Appendix 3 Full proposal
- Appendix 4 Statutory Notice Torbay Pupil Referral Unit
- Appendix 5 Statutory Notice Pupil Referral Unit
- Appendix 6 Equality Impact Assessment
- Appendix 7 Implementation Plan

Additional Information

None