

TELFORD & WREKIN COUNCIL

CABINET - 25th APRIL 2013

SCHOOL ORGANISATION – BEHAVIOUR REVIEW / JIGSAW SCHOOL

REPORT OF ASSISTANT DIRECTOR - EDUCATION AND SKILLS

LEAD CABINET MEMBER – CLLR PAUL WATLING

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The purpose of this report is to update Cabinet following a period of formal consultation at the Publication of Statutory Notice over proposals for JIGSAW School.

2. RECOMMENDATIONS

- 2.1 Cabinet approves the transfer of responsibility for delivering education on the Jigsaw site to the control of the Governors of Hadley Learning Community from 1st August 2013.**
- 2.2 The Jigsaw site be used to establish a specialist ASC / BESD provision extending the age range on the site from 11-16 to 10-16, to provide a limited number of places for Year 6 pupils.**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to priorities emerging from budget consultation?	
	Yes	Our own JIGSAW provision will establish a strong relationship with employers and support growth through developing an appropriate skilled and motivated workforce. Children and their families will be supported to success through good quality education (Improved life chances for all), the needs of children and young people are best met in their families and communities (vulnerable children are protected), and by working with employees, service users (children, young people and their families) we will improve outcome for this group (a cooperative Council working with the community).
	Will the proposals impact on specific groups of people?	
	Yes	This policy will impact on children who are assessed as having a special educational need which is

		currently not being appropriately met in our maintained schools, leading to a number of high cost external placements. In particular a number of children and young people with Autistic Spectrum Condition (ASC) and behaviour, emotional and social development (BESD) needs
TARGET COMPLETION/DELIVERY DATE		The proposed projects will be delivered for commencement in September 2013. The Jigsaw site will provide an ASC and BESD specialist provision under the management of Hadley Learning Community and thus the Local Authority.
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	It is anticipated that these proposals should result in reduced unit costs and increased efficiencies. As part of the Government's changes to school funding from 2013/14, the funding for special schools is calculated on a 'place plus' basis from April 2013, £10,000 per place plus a top-up per pupil. Once the anticipated costs of the new provision have been calculated, the top-up amount applicable from August 2013 will be finalised.
LEGAL ISSUES	Yes	A full Legal Comment is provided at Part B) Additional Information at Paragraph 9
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Recommendations on the use of the houses on the Jigsaw site were presented to Cabinet on 31 January 2013.
IMPACT ON SPECIFIC WARDS	No	Children and young people attending JIGSAW school come from across the Borough. JIGSAW school is located in the Hadley & Leegomery Ward. A change in status will not have any significant impact on the ward.

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Jigsaw is part of the Hadley Learning Community Private Finance Initiative. The premises at Jigsaw comprise the school unit (for 30 pupils) with sports hall and grounds and car parking. Four purpose built 4 bedded children's homes form a crescent adjacent to the school.
- 4.2 We hold a contract with Castle Care to the value of £741,000 per annum for the school provision. This funds 30 places at the school for children in key stages 3 & 4 (11 – 16 yrs) with significant and complex behavioural, emotional and social difficulties (BESD) who are on school action plus and may have a statement of educational need (SEN).
- 4.3 Current special provision, including JIGSAW does not meet present needs, with secondary phase special school provision at capacity, leading to a number of high cost external placements. There is space within the current JIGSAW school for at least 18 additional students without additional building.

5. IMPACT ASSESSMENT – NEEDS & DEMAND

- 5.1 A Behaviour Working Party has been assessing the current provision across the borough to meet the needs of those students who experience barriers to accessing mainstream education. A forum for the collection of evidence comprised all interested parties, or their representatives, chaired by Garry Philips, Principal at New College, Telford. This led to the establishment of five task and finish groups which took the evidence from the larger forum and collected further evidence through discussions with key partners.
- 5.2 A further task and finish group comprising managers from disabled children's services, education, SEN, commissioning and school improvement undertook an analysis of need focussing on Telford and Wrekin students with a Statement of Education Need (Statement) 20 hrs+ attending a range of education establishments including independent schools (out of Borough placements), Jigsaw school, mainstream and Mount Gilbert. This analysis concluded that the biggest individual cohort of children and young people placed were those who fell into the Autistic Spectrum Condition (ASC) and Behaviour, Emotional and Social Development (BESD) category of need.
- 5.3 The group concluded that this cohort could therefore form an ASC/BESD specialist provision operating from the JIGSAW school site. If this proposal is approved a period of transition will be required with changes taking places over a number of years.

6. PROPOSALS

- 6.1 The Council develops a specialist ASC setting for children and young people who also experience behavioural, emotional, and social difficulties (BESD). The provision will work towards achieving the standards of the NAS Autism Accreditation Scheme. This provision will complement provision already in place or being developed in mainstream primary and secondary schools for children and young people at the lower end of ASC or BESD need.
- 6.2 It is proposed that the existing school be annexed to Hadley Learning Community secondary phase. This will allow the JIGSAW setting to benefit from the Principal's extensive management and educational expertise and provide links to the other schools in the borough. We have agreement to explore this from the Governing Body, we are seeking final approval from the Governing Body on 18th April 2013.
- 6.3 Department for Education (DfE) guidance indicates that ending the current contract with Castle Care and transferring the school to become an annex of a mainstream secondary school would require publication of a public notice for a period of six weeks in accordance with the timetable below. This public notice period closed on 12th April.

7. CONSULTATION

- 7.1 In line with statutory requirements and the Council's "Cooperative Council" priority we have worked with employees and our community through a series of initial informal engagement and consultation sessions with partners, stakeholders and service users including:

- Neighbouring Local Authorities
- Local Members
- Parish councils
- Diocesan authorities
- Local schools and statutory agencies including health
- Employees of JIGSAW school and care homes
- Parents and carers (including corporate parents) of children and young people at the JIGSAW school
- As part of the longer term proposal parents from across Telford & Wrekin will be asked for their views on the need for a local specialist school for young people with autism. We will also consult with existing groups and organisations including Parent Partnership Services, Parents Opening Doors (PODs) etc.

7.2 Feedback during consultation has been positive. Summarised below are a number of comments received during consultation:

No local authority or other consultee have raised any objections to the proposal

From Jigsaw parents: who returned written questionnaires

- “ The school is very effective in dealing with the pupils it currently has both in relation to behaviour and academically. If it was to link with a mainstream school,as a parent of a pupil I would want some reassurance that this would not change”
- “ I am quite happy with the way the Jigsaw school is run at the moment.”

From Jigsaw pupils : who had a session with the engagement team

- Comments were mostly questions such as if the school is run in a different way
- How long would the school day be ? Will anything be added to the school ? Is it going to affect us ? Will the uniform change ?

From local schools : contacted by email

- “ when considering the reorganisation of Jigsaw School I think it is absolutely paramount that there are places for primary aged children “

Local special school head teachers have asked for clear criteria for each special school in the borough, a review of the implications of any reorganisation for existing schools, how the proposals link to BSF plans regarding autism hubs in two mainstream settings and a transparent funding formula.

7.3 The proposal for Jigsaw above would involve the TUPE transfer of staff at Jigsaw to the mainstream secondary school with effect from 1st August 2013. As the staff are Castlecare employees they have the responsibility for communication to staff and a consultation period prior to the transfer, The Council would represent the school as the receiving employer. Indicative dates for Castlecare are shown in light grey below.

7.4 The following indicative timetable would enable transition of Jigsaw provision to the mainstream school with effect from 1st August 2013:

No.	Activity ¹	Date By
1	Cabinet approval to consult	6th December 2012
2	Statutory Consultation Begins	7th January 2013
3	Statutory consultation ends (full 6 weeks)	18th February 2013
4	Publish statutory notice (PN)	1st March 2013
6	PN Representation period complete	12th April 2013
7	Cabinet make final decision	25th April 2013
8	TUPE consultation begins (Castle Care)	4 th March 2013
9	Meeting with staff/ TU's (Castle Care)	March 2013
10	Meeting with staff/ TU's (T&WC)	March 2013
11	TUPE consultation ends	19 th April 2013
12	Employee liability information provided	7 th June 2013
13	Staff transfer	1 st Aug 2013

7.5 Following the Cabinet decision some bodies are entitled to lodge an appeal with the Office of the School's adjudicator which could take a further 4 to 6 weeks

8. FINANCIAL COMMENT

8.1 Delivery of the school provision on the Jigsaw site costs the Local Authority £741,000 p.a. which is paid to the contracted service provider. There are also other costs associated with the premises which are incorporated in the PFI contract with Interserve.

8.2 The average cost of each externally placed pupil for these purposes is in the region of £90,000 per annum.

8.3 By increasing the capacity at JIGSAW to accommodate an additional 6 children and young people and by re-designating the school ASD/BESD we would expect to reduce the unit cost per pupil and reduce the cost of external placements.

8.4 As part of the Government's changes to school funding from 2013/14, the funding for special schools and special units is calculated on a 'place plus' basis from April 2013, i.e. £10,000 per place plus a top-up per pupil.

8.5 In order to set an appropriate top-up per pupil, we will need to estimate the actual number of pupils attending the provision from August and the costs of the new provision. This work is currently in progress in consultation with Hadley Learning Community.

9. LEGAL COMMENT

9.1 The Project Agreement dated 15th March 2005 between the Council and Pyramid Schools (Hadley) Limited ("Pyramid"), required that Pyramid would invest and

¹ School Organisation Required dates shown in bold

participate in the design, build, servicing and maintenance of school facilities pursuant to the Private Finance Initiative at the site known as the Hadley Learning Community and Jigsaw Project.

- 9.2 All current contractual documents for the Jigsaw Project between the Local Authority and CastleCare Group Limited ,acting by its subsidiaries Castle Homes Care Limited and CastleCare Education Limited, were completed on 26.6.09.
- 9.3 These documents comprise the Principle Agreement ,which has a term of 3 years from 1.8.09 to 31.7.12 .This included an option to extend for 2 years under Clause 3.2., provided the parties meet to discuss the option no later than 12 months prior to the expiry date. The contract has been extended for 12 months to 31st July 2013 in respect of the school and one of the care hones (4 beds, 3 block contracts and one spot contracted.
- 9.4 There were also 2 leases entered into for the same 3 year term, one for the school and one for houses 2 and 4. The lease for the school and home house number 2 were extended to 31st July 2013
- 9.5 Clause 20 of the Principle Agreement deals with termination, which enables written notice to be given by either party to the other in the event of corruption; change of control affecting the ability to provide the services; administration; or material default that cannot be remedied.
- 9.6 Otherwise, the Agreement will terminate forthwith if the Property Agreement [i.e. the related leases] ceases in its entirety, or if the Provider ceases to be registered with Ofsted.
- 9.7 Therefore, the Agreement is coterminous with the leases and will end when the leases end.
- 9.8 There is no provision for notice to be given under the Agreement to this end, therefore when the leases end on 31st July 2013, the Agreement will cease, as clearly set out in Clause 20.
- 9.9 The leases are excluded from the security of tenure provisions of the Landlord and Tenant Act 1954, which means they will automatically come to an end at the end of the term, again, without notice being required.
- 9.10 Although the main contractual documents do not require notice to be given, it would be important for the Council to advise the Providers of its intentions as soon as possible, especially due to the impact of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) (TUPE) which will be applicable to the current staff group at the school and the required statutory consultation process.
- 9.11 Schedule 2 of the Agreement covered the separate service level agreements to be entered into with Interserve Education, Pyramid, the Council or the Primary Care Trust. These will individually need to be considered as to any notice requirements that they contain if they are to be co terminous with the main Agreement.

9.12 The changes to school organisation are governed by the requirements of the Education and Inspections Act [2006] (the EIA) and Guidance from the Department for Children Schools and Families ,now Department for Education. The Local Authority are required to follow a statutory consultation process to establish a specialist ASD School ,pursuant to the requirements of Part 2 and Schedule 2 of the EIA [2006].

10. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

10.1 Our own JIGSAW provision will establish a strong relationship with employers and support growth through developing an appropriate skilled and motivated workforce in line with our emerging priority “A growing local economy to create jobs”

10.2 Children and their families will be supported to success through good quality education in line with our emerging priority “Improved life chances for all”

10.3 The needs of children and young people are best met in their families and communities in line with our emerging priority “Vulnerable children are protected”. This will be achieved by reducing the need for children and young people to be placed out of Borough to meet their educational needs.

11. PREVIOUS MINUTES

N/A

12. BACKGROUND PAPERS

N/A

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