

CABINET MEMBER DECISION

30 August 2023

APPROVAL TO INCREASE THE NUMBER OF PUPILS AT FORT ROYAL SPECIAL SCHOOL, RIGBY HALL SPECIAL SCHOOL AND WYRE FOREST SPECIAL SCHOOL FOR SEPTEMBER 2023

Relevant Cabinet Member

Cllr Tracey Onslow (Cabinet Member with Responsibility for Education)

Relevant Officer

Director of Children's Services

Local Members

Cllr Kit Taylor - Bromsgrove (Rigby Hall Special School)

Cllr Tracey Onslow - Kidderminster (Wyre Forest Special School)

Cllr Lynn Denham - Worcester (Fort Royal School)

Recommendation

- 1. The Cabinet Member with Responsibility for Education is recommended:**
 - (a) to note the details of the representations made in response to the Public Notices and full proposals for school organisation changes at Fort Royal, Rigby Hall and Wyre Forest Special Schools during the representation period from 10 July 2023 to 7 August 2023; and**
 - (b) approve the increase in pupil place numbers as set out below;**
 - (i) increase the number of pupils from 204 to 220 for September 2023 at Rigby Hall Special School;**
 - (ii) increase the number of pupils from 328 to 354 for September 2023 at Wyre Forest Special School; and**
 - (iii) increase the number of pupils from 243 to 256 for September 2023 at Fort Royal Special School.**

Background

- 2. On 30 June 2023 the Cabinet Member with Responsibility for Education approved the publication of the Statutory Notice of the proposal to increase the pupil place numbers at Fort Royal by thirteen (13), Rigby Hall by sixteen (16) places and Wyre Forest special Schools by twenty-six (26) places (see Appendix 1).**
- 3. In accordance with this decision and statutory guidance provided by the Department for Education: 'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision makers January 2023, a Statutory Notice of this proposal was published, and a four-week representation period took place between Monday 10th July and Monday 7th August 2023. Each school notified parent carers, staff, governors and local**

residents of the proposals, and WCF Officers notified local members and published the proposals in the local papers. A copy of the full proposals can be found at Appendix 2.

4. In accordance with the Authority delegated by the by the Leader of the Council, the Cabinet Member with Responsibility for Education is authorised to take all decisions on behalf of the Executive relating to prescribed alterations to maintained schools including school places in respect of which objection to the Public Notice or other proposal is received. The Cabinet Member with Responsibility may make the final decision whether to implement the change or not following the Publication of the Statutory Proposal(s) and Notice having regard to any representations. This authority was endorsed by Cabinet in January 2020 and can be found in the background papers.

Responses Received

5. Five (5) responses were received during this representation period; the responses were from parent/carers and local residents of which all objected / had concerns to the proposals. Three (3) responses related to Fort Royal school and two (2) to Rigby Hall school. No responses were received relating to Wyre Forest proposal.

6. The key reasons for concern / objection to the proposals related to:

- a) the existing traffic and parking at Fort Royal and Rigby school opening and leaving times, and concerns that the proposal would create more traffic and further exacerbate this; and how emergency vehicles could pass through the parked cars outside the school(s);
- b) Schools already being under pressure and not thriving with increased pupil numbers; and other infrastructure provision; and
- c) The support available to the current pupils at Rigby school; including training for teachers and teaching assistants.

7. The objections / concerns have been considered and responses include:

- a) the existing traffic and parking at Fort Royal and Rigby school opening and leaving times, and concerns that the proposal would create more traffic and further exacerbate this; and how emergency vehicles could pass through the parked cars outside the school(s);
 - The schools currently work closely with parents/cares of pupils at the school to promote considerate driving and parking. This is done through regular letters, reminders and notices in the newsletter, Headteacher and Deputy Headteacher presence on the school grounds and at entrances and exits at key times and when necessary, Headteacher investigations and working with local PCSOs. The schools are committed to supporting local residents.
 - Alternative community parking is utilised for school events.
 - Some pupils share transport or use public transport to travel to school.

- The possible impact on traffic and parking has already been considered and mitigated as part of this proposal in the following ways:
 - The school have staggered scheduled start and end times so that they do not extend the period of disruption for residents; and
 - Where possible, families are encouraged to park further away from the schools and walk.
- b) Schools already being under pressure and not thriving with increased pupil numbers; and other infrastructure provision;
- Fort Royal and Rigby Hall have increased in physical capacity through adaptations to the existing buildings or additional accommodation being provided over the last 3 - 5 years. Wyre Forest school has gained additional space through St Johns Primary School reception and Year 1 pupils relocating to the St Johns school site.
- c) The support available to the current pupils at Rigby school; and training and support for teachers and teaching assistants
- the school will continue to support existing and new pupils to receive their statutory education in line with legislation and that detailed in the pupils EHCP. Special schools will adapt class grouping and sizes according to the needs of the children.
 - Teachers and Teaching Assistants receive relevant training and support depending on individual children's needs, the numbers of staff will also vary to meet individuals' and groups' needs. Where required there maybe 1:1 or additional staff to support.
 - All schools provide support and guidance to staff to ensure they have the skills, knowledge and expertise to education and support the children attending their school, this includes support for Emotional Health and Wellbeing.
4. The increase in pupil numbers at Fort Royal, Rigby Hall and Wyre Forest Special Schools will support the Local Authority, the schools, and families by providing additional school places for children and young people who require specialist education provision to have their needs met. The additional places will be provided in schools that are of good quality and are popular with parent carers. The additional places will improve educational outcomes for children that require special school places and who are currently in alternative education provision.

Recommendations

5. The mitigations in response to the concerns raised have been carefully considered and it is still recommended that the increase in pupil numbers at Fort Royal, Rigby Hall and Wyre Forest schools are approved.
6. On the basis of the information contained in this report, taking account of the representations made in response to the Public Notice, the Cabinet Member for

Education is recommended to authorise the increase in pupil numbers at Fort Royal, Rigby Hall and Wyre Forest Special Schools.

Legal, Financial and Human Resource Implications

7. The Council has a duty (under the Education Act 1996) to ensure there are sufficient school places to accommodate the children and young people who reside in the county and to ensure these places are of good quality with sufficient capacity to promote parental choice and diversity. Section 14 of the Education Act 1996 places a duty on Local Authorities to secure educational provision is made for pupils aged 16 – 18 and over 19 years, and those with special educational needs. Section 315 requires local authorities to keep their arrangements for Special Educational Needs and Disabilities (SEND) provision under review.
8. The Statutory Guidance confirms that “the Local authority is the final decision maker in all cases except where a proposal is ‘related’ to another proposal that must be decided by the Schools Adjudicator, or where the proposals are referred to the Adjudicator... “ i.e. where they are not taken within the prescribed period of 2 months following the end of the representation stage. The Cabinet Member with Responsibility for Education has delegated authority to decide the proposals where there is an objection to the public notice.
9. The Statutory Guidance requires the decision maker “to be satisfied that the appropriate fair and open representation period has been carried out and that the proposer has given full consideration to all the responses received during any pre-publication consultation. Decision makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s). Decisions must be made within a period of 2 months of the end of the representation period, or the proposals must be referred to the Schools Adjudicator. When issuing a decision, the decision maker can:
 - reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modifications, having consulted whichever of the local authority and/or governing body that has not proposed the modification; or
 - approve the proposal, with or without modification (having consulted on any modifications as mentioned above) subject to certain conditions (such as the granting of planning permission) being met.”
10. The expansion project at Fort Royal Special School is to convert an existing temporary double mobile classroom block into three classrooms, so as to enable the school to admit a further 8-12 students. The cost of this project is £301,818.00 and is being funded via the Local Authority's High Needs Provision Capital Allocation 2023/24.
11. Rigby Hall has expanded the physical capacity of the school over the last 1 – 3 years, including replacing temporary accommodation with permanent built. The school has sufficient accommodation for the number of pupils being proposed.

12. Wyre Forest will utilise fully the Early Years Hub, which was previously shared with St Johns Primary School next door. Additional accommodation is being funded by the Local Authority to enable St Johns pupils and staff to move out of the Early Years Hub into classrooms on the site of the primary school.
13. There are no human resource implications. Staff are already employed by the schools delivering the provision.

Equality and Diversity Implications

14. A joint impact assessment screening (Appendix 3) has been completed in respect of these recommendations. The screening did not identify any potential considerations requiring further consideration during implementation for data protection. However, it did identify the need to complete full equality, diversity and public health and environmental assessments. (Appendix 4 & 5).

Supporting Information

- Appendix 1 – [Record of Delegated Member Decision 30 June 2023](#)
- Appendix 2 – [Full Proposals](#)
- Appendix 3 – Joint Impact Assessment Screening
- Appendix 4 – Equality, Diversity and Public Health Assessment
- Appendix 5 – Environmental Assessment

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer the following are the background papers relating to the subject matter of this report: 'Prescribed Alterations' regulations: Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision makers January 2023

[Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](#)