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**Meeting:** Executive  
**Date:** 8 December 2009  
**Subject:** The Future of Special Schooling in the East of Central Bedfordshire  
**Report of:** Councillor Mrs Anita Lewis - Portfolio Holder for Children's Services  
**Summary:** The report summarises the responses to the consultation on the future of special schooling that was initiated by the Executive at its meeting on the 23 June 2009 and proposes that the Executive supports the recommendation to merge Sunnyside and Hitchmead schools.

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**Advising Officer:** Edwina Grant, Deputy Chief Executive and Director of Children Families and Learning  
**Contact Officer:** Martin Pratt, Deputy Director Children Families and Learning and Assistant Director Specialist Services  
**Public/Exempt:** Public  
**Wards Affected:** All as special schools serve populations beyond their immediate community  
**Function of:** Executive  
**Key Decision** Yes  
**Reason for urgency/ exemption from call-in (if appropriate)** N/A

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

The recommended action is consistent with the Council Priority: Educating, protecting and providing opportunities for children and young people.

##### **Financial:**

The proposed merger would address the concern about the financial viability of Hitchmead school and the size of accommodation issue at Sunnyside School. It would secure efficient and effective delivery of special schooling in the east of Central Bedfordshire. The proposed merger would release £111,000 of revenue funding which relates to the lump sum allocated to each school, which would be redistributed through the funding formula. The availability of increased accommodation for Sunnyside pupils would enable more children to have their needs met locally who might otherwise be placed out of Central Bedfordshire at potential costs of up to £300,000 per year per pupil.

**Legal:**

The proposed merger would require the publication of statutory notices in accordance with the School's Standards and Framework Act 1998 as outlined in the recommendations. As a Foundation School, the statutory notices related to Hitchmead will need to be agreed by the school's Governing Body.

There are legal implications regarding the ownership of Hitchmead's site as the school is part of a Trust.

When a Foundation, Trust or Voluntary School is being closed and discontinued those persons holding land for the purposes of the school are required to apply to the Secretary of State to decide what should happen to any land used by the school that has been provided, acquired or enhanced at public expense. (Part II Schedule 22 School Standards and Framework Act 1998 As amended by schedule 4 Education Act 2006).

Briefly the Secretary of State's power allows him/her to:

- 1 Require the land to be transferred to the schools maintaining local authority
- 2 Allow the governing body, foundation body or trustees to retain the land or
- 3 Require the land to be transferred to another maintained school

He/she also has the power to require the payment of compensation wherever he/she considers this appropriate.

**Risk Management:**

In order to mitigate the risk of disruption to pupils and their families during the transition period, careful project management is required by the schools, the governing bodies and officers of Central Bedfordshire.

The proposed merger provides a solution to the identified financial risk of the current structure.

Were the Council to make no decision it may be at risk of failing in its duty to provide an efficient education for children and young people with special educational needs, which could result in damage to the Council's reputation.

**Staffing (including Trades Unions):**

If the proposed merger is implemented, then staff and professional associations would need to be engaged in a consultation on a new staffing structure.

**Equalities/Human Rights:**

If the proposed merger is agreed then the Council should ensure that the next stage of publishing a statutory notice is fully accessible. If the proposed merger is implemented, an Equality Impact Assessment will be undertaken.

**Community Safety:**

None

**Sustainability:**

Any capital development that is required to implement the proposed merger, will maximise energy efficiency and sustainability.

**Summary of Overview and Scrutiny Comments:**

This report has not been considered by the Overview and Scrutiny Committee.

**RECOMMENDATION(S):**

1. That the Executive supports the proposed merger of Hitchmead and Sunnyside Schools to create an area Special School, taking account of the views expressed by the people who responded to the consultation.
2. That the Executive authorises the publication of Statutory proposals to cease to maintain Hitchmead Foundation Special School with effect from 31.08.10. and related proposals to make a prescribed alteration to Sunnyside Community Special School to become an Area Special School for pupils with complex needs aged 3 – 19 across the two current school sites from 01.09.10. The merged school could be renamed.

NB. The publication by the Council of Statutory Notices will provide a further consultation period of a minimum of 6 weeks

*Reason for Recommendation(s): So that the Council discharges its duty to secure special school provision in an efficient way and which meets the needs of children and young people with complex needs.*

**Background**

1. At its meeting on 23 June 2009 the Executive resolved to carry out a formal consultation on the options for the future of special schooling in the east of Central Bedfordshire. This is consistent with the proposed SEN/Inclusion strategy which includes the development of Area Special Schools across Central Bedfordshire as an integral part of the vision for transforming learning, which will be considered at the January 2010 meeting of the Executive.
2. The consultation was carried out between 14 September and 23 October 2009 and set out 5 possible options, with the fifth option being an opportunity to put forward any other suggestions. The process included broad circulation of the consultation documents and the online consultation, two public meetings, meetings with staff and professional associations, and a specially designed consultation with the pupils of both schools.

## The Consultation

- 128 responses to the consultation were received, and a total of 81 people attended the public meetings (including the two Head teachers and Chairs of Governors at each meeting). The Head teachers and both governing bodies have expressed support for the proposed merger.
- The table below shows the numbers and percentages of responses to each of the options. People were asked to identify their interest in the consultation.

	Count	%
A – Merge Hitchmead and Sunnyside schools	93	73%
B – Closure of Hitchmead and relocate pupils	1	1%
C – Both schools remain as they are	17	13%
D – Closure of both schools and the creation of a single school	6	5%
E – Other option	11	9%
Total	128	100%
Not answered	0	0%
Total	128	100%

- The children's consultation was carried out by the Central Bedfordshire Children's Participation Development Officer and Bedford Creative Arts and involved 84 pupils across the two schools, 33 from Hitchmead and 51 from Sunnyside. The activities used enabled the pupils to take photos of each of the two schools so that they were later able to identify what facilities and resources they liked in the two schools, even if they did not know the buildings.
- 53 pupils were able to identify a preferred option from the options set out, 33 from Hitchmead and 20 from Sunnyside.

**Option A:** 6

**Option B:** 1

**Option C:** 34

**Option D:** 6

**Option E:** 6

## Reasons for chosen options

### 7. a) **Merger:**

It was generally felt that this was the best solution for pupils at both schools and would provide the least disruption and better continuity for all pupils, including provision to 19 for Hitchmead pupils if they needed it. Access to more space/resources, including specialist staff and access to satellite provision in mainstream schools was identified as a benefit for all pupils.

A number of people both at the meetings and in their responses urged the Council to ensure that the two schools be brought together on one site as soon as possible and that prompt action was taken to identify possible ways of achieving this. It was suggested that a virtual special school was created across the area with discrete units attached to mainstream schools overseen by one head teacher. The pupils who responded liked the idea of accessing resources at the other school.

### 8. b) **Closure:**

1 respondent felt it would be difficult to combine pupils with Moderate Learning Difficulties (MLD) and Severe Learning Difficulties (SLD) pupils, and a concern was raised that SLD pupils may lose their places in inclusion classes to MLD students. 1 pupil said that he didn't mind going to another school, but 3 expressed concern about what would happen if their school closed.

### 9. c) **Both schools remain as they are:**

3 respondents felt that children with SLD need a substantially different education to those with MLD. Concerns were raised as to the process of getting a statement of Special educational Needs (SEN), although we have higher numbers than other Authorities, and some respondents felt that the Council should increase the admissions to Hitchmead or transfer some of the children from Sunnyside who are more able to Hitchmead. Some felt that the schools should remain as they are until a new school is built. A concern was raised as to how disruptive it is for children with SEN to go through any changes. It was suggested that the Council look at using resources from elsewhere in Central Bedfordshire to keep the schools as they are.

### 10. d) **Closure of both schools and creation of a single school**

Of the 6 respondents who identified this as preferred option, 2 felt that the Council should create a new purpose built Area Special School with the right resources and environment.

11. e) **Other option**

The alternative options proposed include swapping sites, merging but onto one site in a new school which has access to medical professionals, increasing admissions to Hitchmead and extending their age range to 19, and sending children on the borderline of MLD/SLD at Sunnyside to Hitchmead. It should be noted that both sites have insufficient accommodation for Sunnyside pupils, and so this would not resolve their accommodation needs. Federation was also proposed, although prior to the consultation both schools identified that they did not want to pursue this option. Of the 6 pupils that responded to this option, a partial merger was suggested involving building an extension at Hitchmead to accommodate more Sunnyside students. It was also suggested that some of the Sunnyside students went to other special schools to ease their overcrowding problems.

**Additional points raised**

12. It was stressed that the children who attend both schools require consistency, and that whatever decision is taken by the Council, any disruption to pupils, families and staff should be minimised, and action taken to ensure that any changes do not impact on the quality of education and provision.

**Conclusion**

13. In the light of the financial viability of Hitchmead and the requirement for access to increased space at Sunnyside and potential future demand, and taking into account the views expressed though the consultation, it is recommended that the Executive agrees to merge the two schools. This is consistent with the proposals set out in the Vision for Transforming Learning in Central Bedfordshire, which includes the development of Area Special Schools as part of an SEN/Inclusion Strategy

**Appendices:**

None

**Background Papers:** (open to public inspection)

Responses

Notes from public meetings

Children's consultation and DVD

**Location of papers:** Priory House, Chicksands