


<b>Cabinet</b>  1 August 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> James Thomas, Corporate Director Children's and Culture	<b>Classification:</b> Unrestricted
<b>Report on outcome of the stage one consultation on the proposal to change the designation of George Green School Specialist Provision and increase Pupil Numbers</b>	

<b>Lead Member</b>	Councillor Maium Talukdar, Cabinet Member for Education and Lifelong Learning
<b>Originating Officer(s)</b>	John O'Shea, Head of Special Educational Needs
<b>Wards affected</b>	All wards, George Green is in Island Gardens
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	31 May 2022
<b>Reason for Key Decision</b>	Impact on Wards
<b>Strategic Plan Priority / Outcome</b>	This decision will support one or more of the Corporate Priorities as set out in the Strategic Plan 2022-26 which is anticipated to be approved at this meeting

### Executive Summary

Formal stage one consultation has been carried out on the proposal to change the designation of George Green School Specialist Provision and increase Pupil Numbers with effect from 1<sup>st</sup> January 2023.

The stage one consultation process was carried out during the period 9<sup>th</sup> May 2022 to 17<sup>th</sup> June 2022 and a Consultation Report, which describes the findings, is attached as Appendix 1. The Consultation Report makes recommendation to move to the publication of a statutory notice in respect of the proposal to redesignate the resource base provision at George Green's School, from physical Disabilities to Autistic Spectrum Condition (ASC) and to increase the number of places within the provision from 15 to 20. During the statutory notice period, legal objections can be sent by any consultee, which would need to be considered before any final determination is taken.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Move to the publication of a Statutory Notice for 28 days, in respect of

the proposal to alter George Green's School with effect from 1st January 2023.

2. Note the Equalities Impact Assessment set out in Section 4 and attached as Appendix 2.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The recommendation is made in order to determine the Council's response to the proposal for prescribed alterations to George Green's School.
- 1.2 The alterations will allow Tower Hamlets, as part of its SEND Strategy, to develop a world class provision, for children whose needs may not otherwise be fully met within the Borough.
- 1.3 The proposal is for the changes to take effect from the 1<sup>st</sup> January 2023 and the process is therefore being undertaken in accordance with Department for Education (DfE) guidance and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 1.4 The proposal will not have an impact on children currently attending the George Green's specialist provision as the school and officers will develop a transition plan to ensure that the needs of those children continue to be met by the school as it moves to the new designation.
- 1.5 As an inclusive maintained school, George Green's will continue to be consulted on placements for children with physical disabilities, in line with the Equalities Act (2010) and parental preference for George Green's School.
- 1.6 So far, an initial public consultation has been undertaken, and a report on the outcome of the consultation will be published on the Council and School website, following Cabinet's decision on whether to progress to Statutory Notice.
- 1.7 The Consultation Report is at Appendix 1 and includes feedback on the representations received following the conclusion of the stage one consultation on 17<sup>th</sup> June 2022. The representations received can be found at Appendix 5.

## **2 OPTIONS AVAILABLE**

- 2.1 **Option 1:** to move to the publication of a statutory notice for 28 days, which is the next stage in the statutory consultation process. This will provide further opportunity for consultees to have their say and set legal objections against the proposal.
- 2.2 **Option 2:** not to move to the publication of a statutory notice, but to cease the proposal after stage one of the consultation period, this would mean not concluding the full statutory consultation process in order to take the decision to provide Autistic Spectrum Condition specialist support at George Green's School.
- 2.3 Option 1 is preferred as it takes the proposal to the next stage in the full statutory consultation process. It allows consultees further opportunity to fully

consider the proposal during an additional 28 day period and before the Mayor in cabinet is required to make a final determination.

### **3 DETAILS OF THE REPORT**

- 3.1 Following the Stage One consultation period from the 9<sup>th</sup> May 2022 to 17<sup>th</sup> June 2022, it was appropriate to publish a Consultation Report on the findings and, after full consideration of feedback, to take a decision whether to move to Stage Two of the school organisation process, which is to publish a Statutory Notice (Appendix 3). A copy of the Consultation Report is attached at Appendix 1.
- 3.2 Due to ongoing impact of the coronavirus, it was not possible to hold the preferred method of public and parents' meetings regarding the consultation. However, several methods of public and parents' meetings were offered and these methods along with the type of responses are explained in the Consultation Report.
- 3.3 The Consultation Report provides an analysis of the responses and opinions expressed. It is evident that the respondents understood the proposal and its impact and the reason why the proposal is being considered. Parents have been responsive and understand the position. Stakeholders were extremely positive about the inclusive nature of George Green's School, and its capacity to support the Tower Hamlets Community.
- 3.4 The consultation report also includes responses to a proposal to close the current hydro pool facility at George Green's School as part of the school's rebuilding plan. This is for information purposes, as a decision by the Mayor in Cabinet is not required on this element, given that the final decision sits with the Board of Trustees at the school.
- 3.5 Based on the positive feedback and whilst acknowledging a few concerns expressed during the stage one consultation, it is recommended for the Council to move to stage two of the process by issuing a statutory notice, with the support of the School's Governing Body. This will enable a further opportunity to obtain the views of the public and other interested parties before a decision can be reached.

### **4 EQUALITIES IMPLICATIONS**

- 4.1 When making decisions the Council must act reasonably and rationally. It must consider only the relevant information and consult those affected, taking into account their views, before final decisions are made. It must also comply with its legal duties, including relating to equalities.
- 4.2 The Equality Act 2010 requires the LA, when exercising its functions, to have due regard to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and to foster good relations between persons who

share a relevant protected characteristic and those who do not (“the Public Sector Equality Duty”).

- 4.3 An Equalities Assessment has been conducted by the LA and is attached at Appendix 2. It will continue to be updated in view of the responses to the statutory notice and its representations. This assessment must be considered in detail when the Cabinet considers the matters above, as part of its decision on whether the resource base provision at George Green’s School should be redesignated to a provision for children with ASC.
- 4.4 Governors and LA officers have considered carefully whether changes may affect groups disproportionately. They will continue to work with Trade Unions to ensure that planning for any staff recruitment is fair and equitable and in line with agreed policies, including the Council’s School Organisational Change Procedure and Redeployment Policy.
- 4.5 Based on the findings of the Equalities Assessment there are no significant reasons to prevent moving to the stage two of the formal consultation, which is the issuing of the Statutory Notice. This will provide further opportunity for parents, pupils, staff and the wider community to give their views and raise any objections.
- 4.6 The redesignation of the resource provision to ASC provision would reduce disadvantage for children with Autistic Spectrum Condition who are functioning at age-appropriate levels as there is currently no secondary school resourced provision to meet their needs within Tower Hamlets.
- 4.7 No staff are at risk of redundancy. If the proposal to redesignate provision moves forward, there may be new job opportunities within the School.

## **5 OTHER STATUTORY IMPLICATIONS**

### **(i) Managing the Impact of Proposed Change on School Staff**

- 5.1 The LA, School Governing Body and the school’s Board of Trustees are working together to support the School staff through this change. If the final decision is for the School to be redesignated staff will be supported through further training, coaching and workshops to develop any new skills required.

### **(ii) Best Value Implications**

- 5.2 The Local Authority has a duty to ensure that schools are fulfilling their duties and that value for public money is achieved, whilst standards are maintained. They must ensure that they do not fall into financial deficit so that they are unable to sustain an offer of quality education for children. This proposal, and the associated Service Level Agreement, will ensure that the ASC resource provision and Mainstream School are appropriately resourced. George

Green's has shown proactive management of pupil numbers, demonstrating their capacity to respond flexibly and inclusively to Local Area Need.

5.3 By bringing SRP-ASC specialist provision into the Borough Best Value use of the High Needs Block will be supported, since Out of Borough provision is expensive, and transport costs should also be reduced.

5.4 The proposal presents significant mainstream revenue and capital implications for the Council. Capital alterations are required for this proposal, to be included as part of the current rebuild programme, if the proposal is agreed; and the additional resource provision places will require funding. The total increase in the number of places is 5 pupils. The revenue funding (from the High Needs Block) will be off-set by reductions in out of borough placements.

(iii) Environmental (including air quality)

5.5 There are no significant environmental issues arising from this proposal.

(iv) Risk Management

5.6 School Change Proposal

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to move to statutory notice	H	L	This risk is low as it will be mitigated by ensuring that a full and public statutory consultation is being undertaken, including the earlier 6 week consultation before moving to publication of a statutory notice for 28 days	Director of Children and Culture (Director of Education)
Parents with children with ASC do not accept George Green's placement	M	L	George Green's is likely to be a very attractive offer to parents, given its experience and expertise. By developing a world class provision the LA would be in a far stronger position to defend any SEND Tribunal Appeals.	Head of Special Educational Needs

5.7 If this recommendation is agreed, continuation of the statutory consultation process will be carefully managed and evaluated in line with statutory guidance, taking account of the further views of stakeholders and thoroughly addressing the findings from the Equalities Impact Assessment.

5.8 It is proposed to make any alterations to the school as part of the rebuild of George Green's School. The school will be in a position to accept pupils from January 2023. This timescale will allow further opportunity to ensure that

children, parents and staff are aware of the proposal and its implications and are supported through the change process.

(v) Safeguarding

- 5.9 The report deals with the Council's approach to managing the supply of school places, and appropriate Special Educational Needs and Disabilities provision for the local population. The efficient supply of school places contributes to the safeguarding of children by ensuring their early access to 'good quality', 'appropriate' and sustainable education provision.

(vi) Data Protection / Privacy Impact Assessment

- 5.10 The proposals presented in this report have followed an initial (stage one) public consultation using a variety of mechanisms. All responses received through these mechanisms or made directly to the School have been included in the analysis of the feedback received. These responses have only been used to assess the community's view of the proposals and not for any other purpose.
- 5.11 The Council handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018. For more information, the privacy notice for Pupil Services can be accessed here.

## **6 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The Capital cost in relation to the additional facilities that will be required within the School would be included as part of the current full rebuild works that are included in the current Capital programme and therefore we would not expect any Capital Financial implications. For revenue funding the costs of the placements would be met from the High Needs block of the Dedicated Schools Grant (DSG). We continue to see the costs of ASC places outside of LBTH increasing in cost, ensuring that there is good local provision would ensure good value for money and generate longer term cost efficiencies within the DSG high Needs block.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 The statutory process for altering the Special Educational Needs provision at a community school (a 'prescribed alteration') is set out in Sections 18 and 19 of the Education and Inspections Act 2006 and in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Statutory guidance is given in 'Making Significant Changes ("prescribed alterations") to Maintained Schools' (October 2018).
- 7.2 It is noted that it is proposed to increase the number of places in the provision from 15 to 20. This is a small-scale expansion (as set out in the guidance referenced above) and as such can be done outside the statutory process.

- 7.3 Section 149 of the Equality Act 2010 requires a local authority to have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.4 Section 3 of the Local Government Act 1999 requires local authorities to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 7.4 The proposals set out in this report comply with the above legislation and guidance.
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Tower Hamlets SEND Strategy

### **Appendices**

- Appendix 1 Stage One Consultation Report on the Proposal to make prescribed alterations to George Green's School
- Appendix 2 Draft Statutory Notice – George Green's School
- Appendix 3 Short Statutory Notice – George Green's School
- Appendix 4 Equalities Assessment
- Appendix 5 Stage 1 consultation feedback summary

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- NONE

### **Officer contact details for documents:**

John O'Shea