

## Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: Chris Spencer, Director of Children's Services

Report title: Approval to enter into a period of stakeholder engagement on the proposal to establish a new special school for children aged 4-11 years with Moderate and Additional Learning Difficulties to be based at the site of the former Severn View Primary Academy.

<p><b>The decision</b></p>	<p>That the Director of Children's Services should agree to commence a period of stakeholder engagement on the proposal to establish a new 60 place special school for children aged 4-11 years with Moderate and Additional Learning Difficulties to be based at the site of the former Severn View Primary Academy.</p>
<p><b>Background Documents</b></p>	<p>Gloucestershire's <a href="#">High Needs Strategy</a>.  High Needs Strategy <a href="#">Consultation report (2018)</a>  Gloucestershire's <a href="#">SEND Commissioning Strategy 2019-2024</a>.  Public engagement document: proposal to establish a new special school to run from the former Severn View Primary Academy site, March 2022.</p>
<p><b>Reasons for the decision</b></p>	<p>An analysis of demand for special school places indicates the need to create further school places of this type in time for September 2023.</p> <p>Creating greater capacity within the county will reduce the need to make placements out of area and in the independent and non-maintained sector, which are often at considerable cost.</p> <p>It is necessary to engage with key stakeholders over this proposal at this early stage and ahead of initiating the competition to identify an academy trust to run the school.</p> <p>The proposed site is already owned by the council and would only require a limited amount of adaptation.</p>
<p><b>Resource Implications</b></p>	<p>There are no immediate resource implications arising from this decision to initiate an engagement process. The costs associated with the engagement process will be met from within existing resources. Longer-term the proposal to establish the new school, subject to approval, will make better and more efficient use of High Needs Funding. SEN Capital funding will be used to adapt the identified site.</p>
<p><b>Who has been consulted?</b></p>	<p>Head of Education Strategy and Development  Head of Commissioning for Learning  Director of Education  Head of Service: SEND</p>

Gloucestershire County Council Legal Services  
Cabinet Member for Education, Economy and Skills  
Divisional GCC councillor for Stroud Central  
Senior Consultation Officer  
Corporate Governance Manager  
Finance Manager - Schools Strategy & Capital, Strategic Finance  
Assistant Director of Asset Management & Property Services  
Information Management Service

### **What were their comments?**

Senior Officers within Gloucestershire County Council's Education Department are strongly supportive of the proposal to establish a new special school and begin a period of stakeholder engagement. Creating additional special school places within the county, and close to where children and young people live, will reduce the need to commission places out of county and make more efficient use of the high needs budget and the home to school transport budget. Officers recognise the importance of early engagement with key stakeholders.

Specifically, the Director of Education comments 'the proposal offers an efficient, timely and cost effective use of an existing site and resource to meet a critical and immediate demand for special school places in the county. It enables the LA to provide appropriate high quality educational provision for a key vulnerable cohort of children in line with this key statutory duty'.

The ongoing use of the Severn View Primary Academy site for education purposes and, specifically, for use as a special school, was supported at a meeting of Gloucestershire County Council's Property Board in February 2022. Property Board decisions are approved by the Assistant Director of Asset Management & Property Services.

The GCC divisional councillor for Stroud Central has taken a close interest in the future of the former Severn View Primary Academy site and is positive about a proposal that sees this continuing to be used as an education facility and to which ongoing community access can be secured.

### **Background/Context**

Gloucestershire County Council has identified the need to establish a new 60-place special school for primary aged children with Moderate and Additional Learning Difficulties (MALD) to open in the academic year 2023/24. We have identified a suitable council owned site in Stroud which was, until August 2021, occupied by a mainstream school (Severn View Primary Academy).

Developing and expanding local specialist provision is a key element of Gloucestershire's [High Needs Strategy](#). In 2018 Gloucestershire County Council consulted extensively on the development of its high needs strategy and there was strong endorsement for our proposal that where children have very high levels of need we should create support packages closer to home rather than rely on schools outside of Gloucestershire (96% of those that responded agreed). The full report on the consultation and findings can be [viewed here](#).

The need to increase the number of special school places within the county is set out in [Gloucestershire's SEND Commissioning Strategy 2019-2024](#). Consultation on this document (with schools, parent carer forums, partner agencies as well as the wider public) took place in 2019. We believe that there continues to be strong support for further developing local provision as an alternative to making placements out of area and in the independent non-maintained sector. The purpose of this stakeholder engagement activity is to update our understanding of the views of key stakeholders and to seek comment on this *specific* proposal.

The total number of children and young people in Gloucestershire with significant special education needs and disabilities (SEND) who have an Education Health Care Plan (EHCP) has continued to increase. There is a similar picture across the country. In Gloucestershire the number has increased from 3,922 in January 2020 to 4,332 in January 2021 (an increase of 10.5%) to 4,854 in January 2022 (an increase of 12% from January 2021).

Since the national SEN reforms came into effect in September 2014 the number of children and young people with an EHCP in Gloucestershire has more than doubled (2,425 children and young people had a statement or an EHCP in January 2015 and there are currently 4,906 children and young people with an EHCP as at 1<sup>st</sup> March 2022).

Subject to the necessary approvals, our intention is to initiate a free school presumption competition to identify an academy trust to run this new school. Before seeking approval to initiate the competition process it is necessary to provide an opportunity for key stakeholders to comment on the proposal that has been developed and to offer an opinion on other options that could be considered. This opportunity will be extended to:

- Headteachers of Gloucestershire Schools
- The Gloucestershire Parent Carer Forum
- Relevant GCC divisional councillors
- Councillors from Stroud District and Town Councils
- Members of the public, especially those living locally to the proposed site

Officers will consider all views put forward during a four-week engagement period and these will be analysed and available to support further decision making in relation to this proposal. Outside of the scope of this engagement activity is the use of the buildings on the wider Severn View site that are not intended to be utilised by any new special school.

### **Alternative options considered and why they were rejected**

The option of not initiating a period of stakeholder engagement in relation to this proposal was rejected. Given that earlier engagement in relation to the High Needs Strategy was in 2018 and the engagement in relation to the SEN Commissioning Strategy was in 2019 there are benefits in updating our understanding of the views of key stakeholders. Furthermore, that consultation activity did not seek views *specifically* on the proposal to establish a school of this particular type and in this particular location.

The option of not establishing a new special school was rejected on the grounds that without increasing additional special school places within the county the council is at risk of being unable to fulfil its statutory responsibilities to provide sufficient school places. There is limited scope and potential to further increase capacity at existing special schools. Furthermore, not establishing a new special school will not reduce the need to commission places out of county.

The option of seeking an alternative site was rejected on the grounds that utilising a site that is already in GCC ownership, with the necessary approvals for education use already in

place, would represent a more efficient use of resources than alternative options that may including renting a suitable building, acquiring a new site or building a new school. The former Severn View Primary Academy building is purpose build as a primary school and only small scale adaptations are considered to be required.

**Risk Analysis**

**Risk 1**

That we decide not to engage with key stakeholders at this early stage. This would be contrary to GCC’s principles around consultation and engagement and may lead to key stakeholders missing the opportunity to fully understand the proposal and being disadvantaged in being able to offer an opinion

Mitigation: That we agree to undertake a period of engagement

**Risk 2**

That a four-week engagement period is insufficient time for key stakeholders to engage with the themes of the proposal and make comments. However, the proposal is straightforward and not multi faceted and a range of convenient and easily accessible means of engaging with the proposals and of making comments will be made available. As the proposal increases opportunities for some of Gloucestershire’s most complex learners, and makes good use of an existing and currently empty school building which is valued by the local community, we envisage that this issue will not be seen as controversial.

Mitigation: The bulk of the engagement period will be during school term time so that staff and Headteachers of other schools have the maximum opportunity to engage. The information will be clearly laid out and accessible and it will be obvious where key stakeholders can go for additional information in a timely way.

**Equalities considerations**

We have considered the potential or actual impact of this decision on individuals with protected characteristics. Initial work has indicated that there will be no potential negative impact on people with protected characteristics. The impact is anticipated to be positive but we intend to explore this in more detail following the period of engagement and using the data available.

All key stakeholders will have the opportunity to be involved in this early engagement activity and no group with a particular protected characteristic will be disadvantaged from providing a comment. Particular care will be given to ensure the views of those from hard to reach communities are sought.

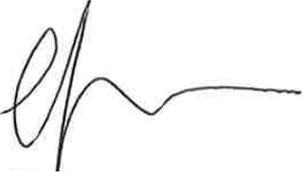
**Has an Equality Impact Assessment been completed?** Yes (attached)

**Has any conflict of interest been declared by any Cabinet Member consulted on the decision?**

No

**If any conflict of interest declared, was a dispensation granted by the Audit and Governance Committee of the Council?**

NA

<b>Does this decision report form or any supporting papers provided contain confidential or exempt information?</b>	No
<b>Does this decision need to be published on the GCC website?</b>	Yes
<p>In coming to this decision I have given due and full regard to the requirements of the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 (“the Act”) by reference to the law itself and also the relevant Equality Impact Assessment, which was/were prepared in accordance with the requirements of the Act.</p> <p>Having fully considered all available information, I have decided to reject any alternative options and take the recommended decision(s), for the reasons set out in this report.</p> <p>Signed</p>  <p><b><i>Chris Spencer, Director of Children’s Services</i></b></p>	
Date 18 <sup>th</sup> March 2022	
Contact details for further information: Officer: Clare Medland, Head of Commissioning for Learning Tel: 01452 328686 Email: <a href="mailto:Clare.medland@gloucestershire.gov.uk">Clare.medland@gloucestershire.gov.uk</a>	

## Equality Impact Assessment (EIA)

This document demonstrates how the council is meeting its duties under the Equality Act 2010, by giving due regard to the requirement to: eliminate discrimination; advance equality of opportunity; and promote good relations.

### 1. Background

Directorate	Children's Services
Service area	Education
Title of the activity being assessed i.e. the strategy, plan, policy or service	Stakeholder engagement on the proposal to establish a new 60 place special school for children aged 4-11 years with Moderate and Additional Learning Difficulties from the former Severn View Primary Academy site.
Brief outline of the proposal(s)	<p>An analysis of demand for special school places indicates the need to create further school places of this type in time for September 2023.</p> <p>Creating greater capacity within the county will reduce the need to make placements out of area and in the independent and non-maintained sector, which are often at considerable cost.</p> <p>It is necessary to engage with key stakeholders over this proposal at this early stage and ahead of initiating the competition to identify an Academy Trust to run the school.</p> <p>A suitable school site has been identified in Stroud which, with some minor adaptations, will accommodate the new school. This building was, until August 2021, used by Severn View Primary Academy.</p> <p>Establishing a new special school better enables the council to fulfil its statutory responsibilities to provide the right type of school places at the right time.</p>
Who is affected by the proposals?	Service users <input checked="" type="checkbox"/> Workforce <input type="checkbox"/>

	Other, please specify: residents close to the proposed site in Stroud
Decision to be taken and decision maker	Decision to enter into a four-week early engagement period: <i>Director for Children's Services</i>
Person(s) responsible for completing this assessment	Nathan Roe Education Planning Manager, Gloucestershire County Council
Date of this assessment	March 2022

## 2. Information Gathering

Briefly outline your approach to consultation and engagement, together with details of any other information and data sources you have utilised:

Research, Consultation and Engagement	
Service users	A four-week engagement period will provide key stakeholders with an opportunity to express a view and make comment on the proposal. The feedback from this exercise will inform later decisions in the approval process. The Gloucestershire Parent Carer Forum, members of the public, elected members and the head teachers of Gloucestershire schools will all be invited to participate in the engagement process. A range of methods of engaging will be offered including a phone number to ring, a free post address and an online survey.
Workforce	
Partners	
Other	
	Information extracted from the Capita database has been used to research pupil level data.

## 3. Equality Assessment

Protected Characteristic	Service Users	Workforce
Age	There is no identified significant impact	
Disability	There is no identified significant impact	

Sex	There is no identified significant impact
Race	There is no identified significant impact
Gender reassignment	There is no identified significant impact
Marriage & civil partnership	There is no identified significant impact
Pregnancy & maternity	There is no identified significant impact
Religion and/or belief	There is no identified significant impact
Sexual orientation	There is no identified significant impact

#### 4. Completed Actions

Set out how the proposed activity has already been amended following the equality assessment, to maximise the positive impact or minimise the negative impact:

Change	Reason for Change
None	NA

#### 5. Planned Actions

Set out improvements that will be undertaken, following the equality assessment, to further maximise the positive impact or minimise the negative impact:

Potential impact (positive or negative)	Action	By when	Owner
	None		

## 6. Monitoring and review

The following processes/actions will be put in place to keep this 'activity' under review:

Results of the stakeholder engagement will be considered when further decisions are made in relation to this proposal.

This EIA will be updated at each stage of the process, particularly in relation to the feedback via the engagement exercise.

## 7. Officer / Decision-maker Sign off

Officer: By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected characteristics and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Signature of Senior Officer	
Name of Senior Officer	Clare Medland, Head of Commissioning for Learning, Gloucestershire County Council
Date	15 March 2022

Decision maker: I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I, as the decision maker, have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Signature of decision maker	
Name of decision maker	Chris Spencer, Director of Children's Services, Gloucestershire County Council
Date	18 <sup>th</sup> March 2022

## **8. Publication**

If this document accompanies a Cabinet report or an Individual Cabinet Member (ICM) decision report it will be published, as part of the report publication process, on the GCC website. If this statement is not to be submitted with a Cabinet report or an Individual Cabinet Member (ICM) decision report, please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.

## Appendix 1 – Service User Data

Details of service users affected by the proposed activity

Protected Characteristic	Service User Data and Information																																
<p>Age <i>percentage/profile of service user ages</i></p>	<p>There are 4,906 children and young people with Education Health Care Plans (EHCPs) maintained by Gloucestershire County Council (March 2022)</p> <table border="1"> <thead> <tr> <th><b>Key Stage (based on current NCY):</b></th> <th><b>No.</b></th> <th><b>%</b></th> </tr> </thead> <tbody> <tr> <td><i>EY (nursery years)</i></td> <td>59</td> <td>1.20%</td> </tr> <tr> <td>Early Years (NCY Reception)</td> <td>159</td> <td>3.24%</td> </tr> <tr> <td>Key Stage 1 (NCY 1, 2)</td> <td>418</td> <td>8.52%</td> </tr> <tr> <td>Key Stage 2 (NCY 3, 4, 5, 6)</td> <td>1,322</td> <td>26.95%</td> </tr> <tr> <td>Key Stage 3 (NCY 7, 8, 9)</td> <td>1,108</td> <td>22.58%</td> </tr> <tr> <td>Key Stage 4 (NCY 10, 11)</td> <td>662</td> <td>13.49%</td> </tr> <tr> <td>Key Stage 5 (NCY 12, 13)</td> <td>601</td> <td>12.25%</td> </tr> <tr> <td><i>Above Y13</i></td> <td>577</td> <td>11.76%</td> </tr> <tr> <td><b>Total</b></td> <td><b>4,906</b></td> <td></td> </tr> </tbody> </table>			<b>Key Stage (based on current NCY):</b>	<b>No.</b>	<b>%</b>	<i>EY (nursery years)</i>	59	1.20%	Early Years (NCY Reception)	159	3.24%	Key Stage 1 (NCY 1, 2)	418	8.52%	Key Stage 2 (NCY 3, 4, 5, 6)	1,322	26.95%	Key Stage 3 (NCY 7, 8, 9)	1,108	22.58%	Key Stage 4 (NCY 10, 11)	662	13.49%	Key Stage 5 (NCY 12, 13)	601	12.25%	<i>Above Y13</i>	577	11.76%	<b>Total</b>	<b>4,906</b>	
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Disability  
percentage/profile  
of service users who  
have a disability

All of the children who will attend the new school will have EHCPs in recognition of their significant and complex special educational needs. In some cases, their special educational needs may have such as a substantial, long-term and adverse effect on that child's ability to carry out normal day-to-day activities they may also identify as having a disability. There is no separate data held on the number of children with a declared disability in addition to their special educational needs.

In March 2022 the Special Educational Needs and Disability (SEND) profile of the children and young people with EHCPs maintained by Gloucestershire County Council was as follows:

Type of need:

Primary Need (as recorded in the EHCP):	No.	%
ASD - Autistic Spectrum Disorder	940	19.16%
HI - Hearing Impairment	51	1.04%
MLD - Moderate Learning Difficulty	1,312	26.74%
MSI - Multi-Sensory Impairment	10	0.20%
OTH – Other	0	0.00%
PD - Physical Disability	279	5.69%
PMLD- Profound & Multiple Learn Diff	75	1.53%
SEMH - Social, Emotional and Mental Health	1,091	22.24%
SLCN - Speech Lang & Comm Needs	863	17.59%
SLD - Severe Learning Difficulty	154	3.14%
SPLD - Spl Learning Diff	96	1.96%
VI - Visual Impairment	35	0.71%
<b>Total</b>	<b>4,906</b>	

<p>Race <i>percentage/profile of service users who are from black and minority ethnic backgrounds</i></p>	<p>In March 2022 the ethnicity profile of the children and young people with EHCPs maintained by Gloucestershire County Council was as follows:</p> <table border="1" data-bbox="483 363 1249 719"> <thead> <tr> <th><b>Ethnicity:</b></th> <th><b>No.</b></th> <th><b>%</b></th> </tr> </thead> <tbody> <tr> <td>Asian</td> <td>87</td> <td>1.77%</td> </tr> <tr> <td>Black</td> <td>79</td> <td>1.61%</td> </tr> <tr> <td>Chinese</td> <td>10</td> <td>0.20%</td> </tr> <tr> <td>Mixed</td> <td>207</td> <td>4.22%</td> </tr> <tr> <td>White British</td> <td>3,452</td> <td>70.36%</td> </tr> <tr> <td>Other White</td> <td>177</td> <td>3.61%</td> </tr> <tr> <td>Any Other Ethnic Group</td> <td>20</td> <td>0.41%</td> </tr> <tr> <td>Unclassified</td> <td>874</td> <td>17.81%</td> </tr> <tr> <td><b>Total</b></td> <td><b>4,906</b></td> <td></td> </tr> </tbody> </table>	<b>Ethnicity:</b>	<b>No.</b>	<b>%</b>	Asian	87	1.77%	Black	79	1.61%	Chinese	10	0.20%	Mixed	207	4.22%	White British	3,452	70.36%	Other White	177	3.61%	Any Other Ethnic Group	20	0.41%	Unclassified	874	17.81%	<b>Total</b>	<b>4,906</b>	
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<p>Religion and/or belief <i>percentage/profile of service users religious beliefs</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>																														
<p>Gender reassignment</p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>																														

<p><i>percentage/profile of service users who have indicated they are transgender</i></p>	
<p>Pregnancy &amp; maternity <i>percentage/profile of service users who are female and who are pregnant or on a maternity leave</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>
<p>Sexual orientation <i>percentage/profile of service users who are lesbian, gay, bisexual, heterosexual</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>

**Appendix 2 – GCC Workforce Data**

Details of Gloucestershire County Council staff affected by the proposed activity

Protected Characteristic	Total number of GCC staff affected: <b>None</b>
Age	Not applicable
Disability	Not applicable
Sex	Not applicable
Race	Not applicable
Gender reassignment	Not applicable
Marriage & civil partnership	Not applicable
Pregnancy & maternity	Not applicable
Religion and/or belief	Not applicable
Sexual orientation	Not applicable