

Report

Report to:	Executive Committee
Date of Meeting:	8 June 2011
Report by:	Executive Director (Education Resources) Executive Director (Social Work Resources) Executive Director (Corporate Resources)

Subject:	Outcome of the Consultation on the Review of Secondary Education Provision for Children with Social, Emotional and Behavioural Needs (SEBN)
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide information in relation to the outcome of the statutory consultation undertaken on the restructuring of the secondary education provision for pupils with social, emotional and behavioural needs (SEBN) within South Lanarkshire;
- ◆ note that the final Consultation Report was published on 18 May 2011; and
- ◆ recommend the implementation of the proposals for restructuring of provision.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that information relating to the outcome of the statutory consultation on the proposal to restructure the secondary education provision within South Lanarkshire for children with social, emotional and behavioural needs (SEBN), be noted;
- (2) that the publication of the final Consultation Report on 18 May 2011 be noted;
- (3) that the implementation of the proposals for restructuring of SEBN provision be agreed; namely that :
 - education provision at Kittoch and Ridgepark Schools be discontinued;
 - all pupils from those two schools be brought together into a new single secondary education provision on the former Calder House site on Bardykes Road, Blantyre;
 - Education Specialist Placements (ESP) and Alternatives to Care (ATC) be co-located on the same site at Blantyre;
 - 4 area bases for secondary education provision for pupils with social emotional and behavioural needs (SEBN), continue to be located in Cathkin High School, Hamilton Grammar School, Lesmahagow High School and St Andrew's and St Bride's High School, with management and support from the new single secondary education provision; and
 - all social, emotional and behavioural needs provision, primary and secondary, be managed by one Head Teacher;
- (4) that a new post of Head Teacher and four new posts of Depute Head Teacher for the new SEBN provision be established; and

- (5) that a copy of the Proposals Document and the Consultation Report be provided to Scottish Ministers, in line with the Schools (Consultation)(Scotland) Act 2010 (“the 2010 Act”.)

3. Background

- 3.1. The Executive Committee on 18 November 2009 agreed that the Executive Director (Education Resources) undertake further options appraisal relating to the reorganisation of the provision of support for pupils with SEBN in consultation with the Executive Director (Social Work Resources) to determine the options for the future provision of support for these pupils.
- 3.2. The aim of the options exercise, which included wide informal consultation with stakeholders, was to develop a model for future SEBN provision. The model would reflect the recommendations arising from *Getting It Right for Every Child* and would incorporate the principles of staged intervention. Proposals developed through the options exercise were presented to an awareness seminar for all Councillors in March 2010.
- 3.3. The needs of children and young people with SEBN are currently met through a range of provision, including 2 secondary schools, Kittoch and Ridgepark, four area bases located in mainstream secondary schools, 2 primary bases and specific local support to meet pupils’ identified needs.
- 3.4. The Executive Committee considered the matter again on 22 September 2010 and decided to issue a Proposals Document, to consult on the following proposals, namely that:
- education provision at Kittoch and Ridgepark Schools be discontinued;
 - all pupils from those two schools be brought together into a new single secondary education provision on a site adjacent to St Blane’s Primary School, Blantyre;
 - Education Specialist Placements and Alternatives to Care be co-located on the same site at Blantyre;
 - 4 area bases for secondary education provision for pupils with social, emotional and behavioural needs (SEBN), continue to be located in Cathkin High School, Hamilton Grammar School, Lesmahagow High School and St Andrew’s and St Bride’s High School, with management and support from the new single secondary education provision;
 - all social, emotional and behavioural needs provision, primary and secondary, be managed by one head teacher.
- 3.5. The statutory consultation in terms of the Schools (Consultation) (Scotland) Act 2010 (“the 2010 Act”) was carried out over the period 1 October 2010 to 30 November 2010 which included a public meeting held on 19 October 2010 in the Banqueting Hall, Council Offices, Almada Street, Hamilton, ML3 0AA.
- 3.6. A copy of the Proposals Document was issued week commencing 27 September 2010 to the consultees listed in appendix 1, and it was also published on the Council website: www.southlanarkshire.gov.uk.
- 3.7. A consultation notice was placed in the East Kilbride News, the Rutherglen Reformer and the Carluke and Lanark Gazette on 29 September 2010 and the Hamilton Advertiser on 30 September 2010. The notice included a summary of the proposals, information on availability of the Proposals Document and how written representations could be made.

- 3.8. South Lanarkshire Council sent a copy of the Proposals Document to HMle on 1 October 2010. In addition, on 23 December 2010 HMle received a summary of all relevant written representations received by South Lanarkshire Council during the consultation period on the proposal. In addition, because of the adverse weather and other unusual circumstances from the end of November through December, written responses received up to 23 December 2010 were also taken into account. HMle also received a summary of oral representations made to South Lanarkshire Council at the public meeting and a copy of any other relevant documentation. HMle then prepared a report on the educational aspects of the proposal. In preparing their report HMle visited the affected schools and bases and made reasonable enquiries as they considered appropriate to the preparation of their report.
- 3.9. The Council reviewed the proposals having regard to relevant written representations received, representations made at the public meeting, and HMle's report. The response to the consultation indicated a broad consensus that new provision should be made for SEBN pupils, and support for the underlying principles of Getting It Right for Every Child, early intervention and a coherent management structure. However, there was a range of concerns expressed by consultees, which have been considered and are addressed by the final Consultation Report, which required to take into account the views of consultees in drawing conclusions from the consultation.
- 3.10. By far the largest number of concerns related to the site proposed for the new location of the secondary SEBN provision, adjacent to St Blane's Primary School. The Council during the consultation gave an undertaking to consider any sites suggested by consultees and any new sites which became available since the consultation proposals were first considered by the Executive Committee in September 2010. HMle had indicated that it would be suggested in their report that the Council needed to take further account of the views of stakeholders, particularly in relation to the points raised relating to the location of the building.
- 3.11. The range of potential sites suggested by consultees was considered by the Council. One of these was the former Calder House site on Bardykes Road, which until January 2011, was the location of a range of services, mainly managed by Social Work Resources but including Education Specialist Placements and Alternatives to Care, two of the secondary provision affected by the consultation proposals. These two provisions are currently located at Hope Street, Hamilton.
- 3.12. While the concerns expressed by consultees in relation to the St Blane's site could be overcome through further engagement and planning in consultation with stakeholders, the newly available Calder House site offered a number of advantages. Because of this, and given the nature of the representations received/made, the Executive Committee agreed on 23 March 2011 to extend the statutory consultation to seek the views of consultees on the two alternative sites, St Blane's and the former Calder House site. The 2010 Act is not specific in relation to circumstances where further consultation is needed to take account of responses received, but it was considered that this was a reasonable approach to take given the requirement to have particular regard to representations received/made and HMle's report and the purpose of the 2010 Act. It was agreed that publication of the final Consultation Report on the outcome of the consultation would be postponed until the views of consultees on the alternative site could be determined.

4. Outcome of the Consultation

- 4.1. Taking into account the responses from both the October/November consultation on the proposals and the March/April consultation on the two alternative sites for the implementation of the proposals, there was a broad consensus that new provision should be made for SEBN pupils, and support for the underlying principles of Getting It Right for Every Child, early intervention and a coherent management structure.
- 4.2. The range of concerns expressed by consultees are addressed in the Consultation Report published on the Council's website on 18 May 2011. HMIE's report was also published the same day. Comments from the second consultation covered broadly the same range of issues as the first. Education Resources will continue to consider these issues as appropriate in consultation with relevant stakeholders. By far the largest number of responses to both consultations related to the location of the proposed new secondary SEBN provision. The Council has addressed this concern in proposing two alternative sites during the second consultation.
- 4.3. The outcome of the second consultation is noted below :

Table of Responses **Consultation Responses**

Alternative A (St Blane's site) Yes	7
Alternative B (Calder House site) Yes	152
Alternative A No, Alternative B No	50
Undecided	15
Other	10
No option Indicated	17
Total number of Responses	251
Total number sent out	1138

- 4.4. The outcome of the second consultation is a strong preference from consultees in favour of the new SEBN central provision being built on the former Calder House site.

5. Proposals

- 5.1. It is proposed that the Council accepts the outcome of the consultation and agrees the proposals that :
- education provision at Kittoch and Ridgepark Schools be discontinued;
 - all pupils from those two schools be brought together into a new single secondary education provision on the former Calder House site on Bardykes Road, Blantyre;
 - Education Specialist Placements (ESP) and Alternatives to Care (ATC) be co-located on the same site at Blantyre;
 - 4 area bases for secondary education provision for pupils with social emotional and behavioural needs (SEBN), continue to be located in Cathkin High School, Hamilton Grammar School, Lesmahagow High School and St Andrew's and St Bride's High School, with management and support from the new single secondary education provision; and
 - all social, emotional and behavioural needs provision, primary and secondary, be managed by one Head Teacher.

- 5.2. The proposals require the establishment of a new management structure for the reorganisation of the SEBN provision. It is proposed that a new post of Head Teacher and four new posts of Depute Head Teacher are established for the new provision, as described in paragraph 5.1. above. This will enable the detailed planning of the new provision in consultation with pupils, parents, staff and trade unions, as appropriate, and will further enable the transitions for young people to be planned well in advance of the estimated opening of the full provision in August 2013.
- 5.3. Implementation of the proposals, if agreed by the Executive Committee, would only commence once Scottish Ministers have had the opportunity to consider the proposals. It is intended that South Lanarkshire Council will notify Scottish Ministers of the decision on the proposal by 15 June 2011, that is, 6 working days from the date of the decision by the Executive Committee. A copy of the Proposals Document and the Consultation Report will be provided to Scottish Ministers. The Scottish Ministers have a 6 week period from the date of that final decision (on 8 June 2011) to decide if they will call in the proposals. Within the first 3 weeks of that 6 week period, any person may make representations to the Scottish Ministers. No action will be taken to proceed with the implementation of the proposals until the outcome of the decision on whether to call-in has been notified to the Council. If Scottish Ministers call in the proposals they may refuse to consent to the proposals, or consent to the proposals subject to conditions or unconditionally.

6. Employee Implications

- 6.1. There are employee implications arising from the Proposals Document and Education Resources has consulted, as part of the statutory consultation, with staff and the trade unions. Should the proposals be agreed, the new posts of Head Teacher and four Depute Head Teachers will be advertised in line with existing procedures, and will be subject to job sizing. Principal teachers, teachers and support staff posts will be established in line with the requirements of the pupil roll of the new provision, with recruitment from employees currently employed in the existing SEBN provisions in the first instance.

7. Financial Implications

- 7.1. Site investigations and a detailed development appraisal of the Calder House site in Blantyre are currently underway. The budget requirement will be finalised following the conclusion of these investigations.

In the meantime, an initial budget appraisal has been undertaken for Kittoch and Ridgepark schools to be brought together into a new single secondary education provision on the Calder House site which is estimated at £3.770million.

This estimated budget includes

- the relocation and fit out of both the Rutherglen decant school, and the fitness suite/ technical facility currently located at Kittoch School.
- separate units for an indoor PE and a replacement for the "Cottage" facility.
- the re-provision of an All Weather Pitch and bio-diversity garden from Ridgepark School.
- a forecast for site investigations and demolition of the current buildings on the Calder House site.

As agreed by the Executive Committees held on 22 September 2010 and 23 March 2011, the costs associated with the secondary SEBN proposal can be funded from efficiencies made within the approved Primary Schools Modernisation Programme budget.

The Calder House site also provides flexibility to develop facilities in the future to meet the developing curriculum needs of pupils supported by this service.

- 7.2. The revenue implications, including the costs of the posts in the new structure, can be met within existing resources due to the realignment of the existing provision.

8. Other Implications

- 8.1. Because the Council's provisions for secondary aged SEBN pupils are currently located in buildings over 40 years old, there would be risks in not taking forward the proposals to relocate the pupils in modern accommodation able to meet the needs for 21st century education, as set out in the Proposals Document. Some responses to the consultation expressed concerns about the risks arising from the possible contact between secondary SEBN pupils and the pupils at St Blane's Primary School; the Council has taken account of these concerns in considering the alternative site of the former Calder House. Nevertheless there is no evidence to suggest that the pupils at St Blane's would be at significant risk.
- 8.2. The Council has a duty to conduct risk assessments under the Management of Health and Safety at Work Regulation 1989. Any current risk assessments at the schools would be reviewed if the proposal is implemented.
- 8.3. There is no sustainability implication arising directly from this report.
- 8.4. The recommendations in this report would require the transfer of the Calder House Site, currently under the ownership of Social Work Resources, to Education Resources. Updates will be required to Asset Registers.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. The consultation in line with the Schools (Consultation) (Scotland) Act 2010 has enabled a full impact assessment to be completed. An action plan has been developed to address potential issues identified by the consultation. The results of the impact assessment will be published on the Council's website.
- 9.2. As well as the statutory consultation with the wide range of stake holders detailed in paragraph 4, detailed consultation was undertaken with staff and the trade unions.

Larry Forde
Executive Director (Education Resources)

Harry Stevenson
Executive Director (Social Work Resources)

Robert McIlwain
Executive Director (Corporate Resources)

16 May 2011

Link(s) to Council Objectives/Improvement Themes/Values

- Raise education attainment for all
- Improve lives of vulnerable children, young people and adults
- Efficient and effective use of resources

Previous References

- Executive Committee – 18 November 2009
- Executive Committee – 22 September 2010
- Executive Committee – 23 March 2011

List of Background Papers

- Getting It Right for Every Child
- Site option appraisal
- Summary of current SEBN provision
- Consultation Report

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Distribution

A copy of the Proposals Document was provided to the following consultees:

- The Parent Council of the affected schools and bases
- The parents/carers of the pupils at the affected schools and bases
- Parents/carers who have children who are expected to attend the affected schools and bases within 2 years of the publication of this Proposal Document
- The pupils at the affected schools and bases the their pupil committees and councils
- All South Lanarkshire Council employees at the affected schools and bases
- Trade union representatives
- Community Councils within the affected locality
- Edinburgh City Council
- Falkirk Council
- Glasgow City Council
- North Ayrshire Council
- North Lanarkshire Council
- All relevant users of the affected schools
- South Lanarkshire Community Planning Partners

A copy of the Proposals Document was also made available to:

- All Elected Members of South Lanarkshire Council
- South Lanarkshire Youth Council
- Her Majesty's Inspectorate of Education (HMIE)
- The Constituency MSP of the affected schools and bases
- List MSP for the area of the affected schools and bases
- The MP of the affected schools and bases
- Sub Divisional Commander, Strathclyde Police
- Chief Executive, NHS Lanarkshire
- Chief Executive, Greater Glasgow and Clyde NHS
- Chief Executive, Strathclyde Partnership for Transport
- Area Commander, Strathclyde Fire and Rescue
- Scottish Commission for the Regulation of Care