



CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Tuesday, 6 December 2022

REPORT TITLE:	OUTCOME OF CONSULTATION ON ALTERATIONS AT THE OBSERVATORY SCHOOL
REPORT OF:	DIRECTOR OF CHILDREN, FAMILIES AND EDUCATION

REPORT SUMMARY

The report provides an update on the consultation on proposals for prescribed alterations to The Observatory School, which is a mixed 11 to 16 community special school for pupils with social, emotional and mental health needs (SEMH). The proposals relate to making permanent a trial scheme providing places to primary school age pupils, increasing the number of places offered by the school, and also expansion onto a satellite site in the Leasowe area. No objections were received, and the report recommends that the proposals be approved.

The school serves children and young people from all wards.

This is a key decision.

This contributes to the Wirral Plan 2021-26 priority "Brighter Futures".

RECOMMENDATION/S

The Children, Young People & Education Committee is recommended to:

1. Approve the change of the lower age limit of The Observatory School from 11 to 8.
2. Approve the permanent change of the number of places at The Observatory School to 100.
3. Approve the expansion of The Observatory School onto a satellite site to be located at the former Leasowe Early Years Centre site
4. Grant the Director of Children, Families and Education all necessary authority to implement these proposals.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The proposed alterations 1 and 2 were set out in order to make permanent a trial scheme to extend the age range of the school and to formally increase the number of places the school provides in line with the extension of age range and other agreed changes to place numbers. The third alteration was to expand onto a satellite site which had become available due to changes in primary and early years provision in the Leasowe area.
- 1.2 A Public Notice setting out the three prescribed alterations was published on 5th October 2022 followed by a 4 week representation period during which no objections were received.
- 1.3 It is recommended that the prescribed alterations be approved and the Director of Children, Families and Education be given all necessary authority to implement these proposals.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As an alternative to recommendations 1 and 2, the school could cease to offer Year 5 and Year 6 pupil places. This option is not supported by the success of current trial provision for this age range.
- 2.2 As an alternative to recommendation 3, the school could establish additional accommodation on the current site. This would not be recommended as it would incur significant cost for new build or modular accommodation.

3.0 BACKGROUND INFORMATION

- 3.1 The Observatory School (the School) is a mixed 11-16 community special school for pupils with social, emotional and mental health needs (SEMH).

Age range

- 3.2 In April 2018, the School began a trial scheme to offer a small number of places for children in Year 5 and Year 6 as a Key Stage 2 base. The trial Key Stage 2 base has proved successful. The Director and the School now wish to make the trial scheme into a permanent change to the School's age range.
- 3.3 Year 5 and Year 6 are Key Stage 2 primary year groups and whilst there are no current plans to admit any Year 3 or Year 4 pupils, the view of the Director and the School is that the proposed age range change should incorporate all Key Stage 2 year groups as forward planning in case the need arises in future.

Linked to this is a proposal to formally increase the number of places at The Observatory School.

Number of places

- 3.4 Prior to 2008, the School offered 40 places across the 11-16 age range. To accommodate a projected increase in demand for specialist provision, the offer was expanded to 50 places following consultation with the Schools Forum, then to 55 places from September 2015. A further expansion to 76 places was put in place from September 2019.

- 3.5 At January 2022, there were 86 11 to 16 age pupils on roll, with an additional 18 in the Key Stage 2 base. The Council and the School wish to make the increase in places into a permanent change, incorporating the Key Stage 2 places resulting from the change in age range.

Satellite site

- 3.6 Following federation under a single governing body, Leasowe Nursery School and Adult Learning Centre is now co-located with Castleway Primary School on the Castleway Primary School site, and has been re-named Castleway Nursery School. From January 2023 the former nursery school site will be open for alternative usage, which is proposed in this report as a satellite site for The Observatory School. The current and proposed sites are closely located. The driving distance between the two sites is 2.3 miles, the walking distance is 1.4 miles.
- 3.7 This is specialist provision and there should not be any impact on other educational institutions locally. Young people attending specialist schools generally attend via assisted minibus type transport rather than individual vehicles and there should not be any overall increase in road traffic as a result.
- 3.8 Admission to the School will remain via an Education Health and Care Plan (EHCP). The site attended will depend principally on the year group of the young person at admission. The two sites are closely located in terms of distance. Whilst staff employed by the School may be required to work across both sites, pupils would not ordinarily be expected to move between the two sites during the school day, unless for whole school activities such as sports days and events in which case transport would be provided. Both teaching and non-teaching staff are able to access the Government's Cycle to Work scheme.
- 3.9 Whilst the satellite site would facilitate the School in delivering education to young people - it is not directly linked to recommendations 1 and 2.
- 3.10 On the basis of the above, in July 2022 the Director of Children, Families and Education approved the publication of a Public Notice for the three prescribed alterations. Subsequently further discussions led to an amendment to the age range of the young people expected to attend the satellite site in favour of younger pupils e.g. primary Key Stage 2 and secondary Key Stage 3 (Year 7 to Year 9), rather than Key Stage 4 (Years 10 and 11) and this was taken into account when the notice was published, therefore forming part of the consultation.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Project costs associated with configuring the satellite site for secondary age pupils are expected to be met from the Council's SEN Capital budget.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 19(1) of the Education and Inspections Act 2006 and section 5(1) of the School Organisation (Prescribed Alterations to Maintained Schools)(England) 2013 apply to decisions relating to certain alterations to schools, including permanent changes to age range, permanent increases in places provided at special schools of at least 10% or 20 or more pupils, and expansion onto an additional "satellite" site. The consultation was compliant with the relevant regulations.

- 5.2 When proposing changes, a Local Authority should act reasonably, in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.
- 5.3 Making Prescribed Alterations To Maintained Schools guidance issued by the Department of Education (the Guidance) provides that a Local Authority can propose a change of age range of 1 year or more for community special schools (including the adding or removal of sixth-form or nursery provision).
- 5.4 The Guidance provides that a Local Authority can propose increasing the number of places by 10% or 20 pupils, whichever is the smaller number, for community special schools.
- 5.5 The Guidance provides that a Local Authority can propose a transfer to or expansion onto a new or “satellite” site. The Prescribed Alterations guidance for satellite sites suggests that the Local Authority decision maker should consider the rationale for the particular site and various factors related to how the two sites will be integrated. This could include how the new site will be used in terms of age groups; how admission to the site will be managed, whether or not pupils will be expected to move between the sites; how whole school activities will be managed; will staff be expected to work on both sites; will both sites be overseen by the same governing body; shared facilities, and accessibility of the new site to the community served by the school.
- 5.6 Any construction works required will be managed by the Council’s Asset Management team in line with the Construction, Design and Management regulations 2015.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Staff employed by The Observatory School may be required to work across both sites.

7.0 RELEVANT RISKS

- 7.1 Failure to decide the outcome of the proposal(s) within 2 months of the end of the representation period will mean that the final decision is made by the Schools Adjudicator. This would be a reputational risk to the Council and could result in a decision being reached by the Schools Adjudicator which does not reflect the local context and rationale for the prescribed alteration(s).
- 7.2 Should further increases to the number of places be required above the number proposed, temporary increases in places to meet demand are at the discretion of the governing body and the Local Authority. If a further permanent change to the number of places was then required, a prescribed alteration would be submitted for consideration.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 A Public Notice was published on 5th October 2022 with a 4 week representation period ending on 2nd November 2022. It was published on the Wirral Council website, the school’s website and in the Wirral Globe. All statutory consultees were informed. This included a written notification to all parents of a child registered at the school.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 An equality impact assessment has been completed, revised following the consultation, and can be found at:
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017-1>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The content and/or recommendations contained within this report are expected to have no significant impact on emissions of Greenhouse Gases.
- 10.2 The two sites are within a reasonable walking distance (1.4 miles). The Government's Cycle to Work salary sacrifice scheme is open to all school staff.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Wirral's NEET (Not in Education, Employment or Training) rate is relatively low compared with the Liverpool City Region's NEET "Hotspot" status. However young people with special educational needs & disabilities (SEND) are still less likely to have a sustained post-16 education, employment or training destination than those who do not. Nationally in a recent report, 11% of young people with SEND were considered NEET, compared to 7% of those without (DfE 2022, consistent, 6 months or more). In July 2022, 15% of Wirral young people with SEND were considered NEET in comparison to 3% of their counterparts without SEND (unpublished data, 14-19 team).
- 11.2 Young people with SEND are also significantly less likely than their non-SEND counterparts to continue into higher education at age 19 – nationally 8% of those with an EHCP progressed to Higher Education in 2019/20 compared with 21% on the SEND register without an EHCP, and 48% for pupils with no identified SEND (DfE 2022).
- 11.3 SEMH needs can hinder young people's ability to access education and lead to reduced opportunities through their life. Early intervention and providing effective support to children and young people through targeted SEND support is intended to reduce this impact, raising aspirations, creating a positive relationship with education and providing skills and experience for individuals which will continue to assist them after they leave education for training or employment.

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APPENDICES

Appendix 1 - Public Notice

BACKGROUND PAPERS

Section 19(1) of the Education and Inspections Act 2006

Section 5(1) of the School Organisation (Prescribed Alterations to Maintained Schools)(England) 2013

[Making significant changes \('prescribed alterations'\) to maintained schools – Statutory guidance for proposers and decision-makers](#)

[Special Educational Needs and Disability: an analysis and summary of data sources; DfE June 2022](#)

Activities SEND 12-13 data July 2022, unpublished; Wirral 14-19 Strategy team

TERMS OF REFERENCE

This report is being considered by the Children, Young People & Education Committee in accordance with Section B) of its Terms of Reference, the functions and powers conferred on or exercisable by the Council as Local Authority in relation to the provision of education.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Schools Forum	15th January 2020

