

# Brighton & Hove City Council

## Children, Young People & Skills Committee

## Agenda Item [Insert]

**Subject:** Proposal to expand Hill Park Special School by establishing a satellite site at the Cedar Centre

**Date of meeting:** 12<sup>th</sup> September 2022

**Report of:** Executive Director Families, Children & Learning

**Contact Officer:** Name: Georgina Clarke-Green  
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**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 It is proposed to expand Hill Park School by establishing a satellite site at the former Cedar Centre. The satellite site will provide a 30-place provision for autistic children and young people who have anxiety and mental health issues, but who do not have a learning disability.
- 1.2 The purpose of this report is to provide feedback from the recent formal representation period following the issue of Statutory Notices in respect of the proposal to expand Hill Park and to seek the final decision of the committee on the proposal.

#### 2. Recommendations

- 2.1 That Committee agrees to confirm the proposal contained in the Statutory Notice that Hill Park School should expand by establishing a satellite site at the former Cedar Centre with effect from September 2023.

#### 3. Context and background information

- 3.1 The full background to this proposal was contained in the report to this Committee on 13<sup>th</sup> June 2022 attached as Appendix 1 to this report.
- 3.2 At its meeting on 13<sup>th</sup> June, the Children, Young People and Skills Committee agreed to publish the Statutory Notice to progress the proposal for Hill Park to establish a satellite site at the Cedar Centre.
- 3.3 Following that Meeting, the Statutory Notice was published on 24<sup>th</sup> June 2022. The subsequent representation of four weeks was the final opportunity for interested people and organisations to express their views on the proposals.

- 3.4 Towards the end of the representation timeline (25<sup>th</sup> July 2022), it was discovered that the Statutory Notice had not been published in the local paper. As publication in a local newspaper is a statutory requirement the decision was taken to re-run the representation period of four weeks. The Notice was republished on 28<sup>th</sup> July 2022 and ran until 25<sup>th</sup> August 2022.
- 3.5 During the first four-week publication period, the Headteacher of Hill Park and the Head of SEN Statutory Service held two virtual information events for parents/carers which was well attended by PaCC and Amaze representatives as well as parents/carers in the city. The presentation and Q&As that arose from these events are attached at Appendix 2 and Appendix 3 to this report.
- 3.6 No responses were received during the second representation period.

#### **4. Analysis and consideration of alternative options**

- 4.1 The alternative option would be for Hill Park not to expand on to the Cedar Centre site, which would mean that the pressures in Brighton & Hove to increase Secondary provision for students who do not have a learning disability, but are on the autistic spectrum would continue and this cohort of children and young people would have to continue to receive their education in out of area independent provisions.

#### **5. Community engagement and consultation**

- 5.1 Consultation on the proposals followed the processes set out in DfE Statutory Guidance "Making significant changes ('prescribed alterations') to maintained Schools – October 2018.
- 5.2 Consultation with staff, governors, parents and the wider community on the proposal was undertaken from 4<sup>th</sup> April 2022 until 29<sup>th</sup> May 2022 and the outcome of the consultation was reported to the Committee on 13<sup>th</sup> June 2022.
- 5.3 At this Meeting, the Children, Young People and Skills Committee authorized the Executive Director of Families, Children and Learning to proceed to publish the required Statutory Notice. The subsequent representation period of four weeks was the final opportunity for interested people and organization to express their views on the proposals.
- 5.4 Statutory Notices were published on the Brighton & Hove Website. In addition, notices were displayed at the Hill Park School sites and the Cedar Centre School site.
- 5.5 The Statutory Notice formed part of the full proposal. Copies of the full proposal were sent to the Governing Body of Hill Park School, Local Ward Councillors, Members of the Children, Young People and Skills Committee, the Members of Parliament for the City of Brighton & Hove and the Department for Education (DfE).

- 5.6 Copies of the full proposal have to be made available to anyone who requested a copy during the publication period.
- 5.7 The closing date for representations/objections to the Statutory Notice was 22<sup>nd</sup> July 2022. As referred to in paragraph 3.4 above the representation period was re-run from 28<sup>th</sup> July to 25<sup>th</sup> August 2022 to ensure that all statutory requirements were fulfilled.
- 5.8 During both notice periods there were no requests for a copy of the full proposal information.
- 5.9 During both notice periods no representations/objections were received to the proposal
- 5.10 The required statutory notice period, including the provision of full proposal information has now been completed.

## **6. Conclusion**

- 6.1 In light of the fact that no representations or objections were received during the statutory notice period it is recommended that the proposal to expand Hill Park School by establishing a satellite site at the former Cedar Centre - with effect from September 2023 be approved.

## **7. Financial implications**

- 7.1 As set out in the June committee report there are both capital and revenue financial implications linked to this proposal.
- 7.2 The capital costs of the proposal are estimated to be £4.2M, which is an increase on the original estimate of £4M. The additional £0.2M will be met from existing education capital grant which is already set aside within the Education Capital Budget in the Council's Capital Investment Programme.
- 7.3 The introduction of a 30-place satellite provision managed by Hill Park will also have revenue funding implications. As part of the SEN sufficiency strategy, work has already been carried out to identify new local provision required to meet needs of children and young people with SEND. The estimated full-year cost effect of establishing an additional 30 places is £0.7M. The Department for Education has provided additional funding to local authorities through high needs block allocations with the Dedicated Schools Grant. Funding has been earmarked within this budget to fund the planned new provision. The proposed new local provision will provide a more cost-effective option than out of area, independent non-maintained school provision.

Name of finance officer consulted: Steve Williams

Date consulted: 19/07/2022

## **8. Legal implications**

- 8.1 In order to achieve any reorganisation of provision the Local Authority must comply with School Organisation legislation – the Education and Inspections Act 2006 (EIA), associated regulations, and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the Local Authority must take before making any final decisions on proposals to reorganize school provision.
- 8.2 As referenced in the body of the report it was necessary to re-run the four week representation period as it was discovered that the local newspaper had not published the LA proposal as required by the EIA 2006. Had the LA not done so it would have left the final decision vulnerable to challenge on the basis that the correct statutory processes had not been followed.
- 8.3 The EIA 2006 provides that the Local Authority is the decision maker on any proposals to make prescribed changes to schools. The Children, Young People and Skills Committee will act as the decision maker for the Local Authority on these proposals. The decision needs to have been made within two months of the end of the representation period i.e., by 22<sup>nd</sup> September 2022. The exact process by which the decision maker carries out their decision-making process is not prescribed; however, it must have regard to the DfE statutory guidance – “Making significant changes (‘prescribed alterations’) to maintained schools – October 2018.
- 8.4 The Guidance states that the decision maker will need to be satisfied that an appropriate fair and open consultation and representation period have been carried out and that the proposer has given full consideration to the responses received. The decision maker should consider the views of those affected by a proposal or who have an interest in it and should not simply take account of the number of people expressing a particular view. The greatest weight should be given to responses from those stakeholders likely to be most affected by a proposal, especially parents or children at an affected school.
- 8.5 When issuing a decision, the decision-maker can:
- Reject the proposal
  - Approve the proposal without modification
  - Approve the proposal with modifications, having consulted the LA
  - Approve the proposal - with or without modification – subject to certain prescribed conditions being met.

Name of lawyer consulted: Serena Kynaston

Date consulted 15.08.2022

## **9. Equalities implications**

- 9.1 There are no equalities implications arising from this proposal.

## **10. Sustainability implications**

10.1 There are no sustainability implications arising from this proposal.

## **11. Other Implications**

11.1 There are no other implications arising from this proposal.

## **Supporting Documentation**

- Appendix 1 – Children, Young People and Skills Committee Report submitted on 13<sup>th</sup> June 2022
- Appendix 2 - Presentation for Parent/Carer Virtual Consultation Event on 6<sup>th</sup> July 2022
- Appendix 3 - Q&A Outputs from Parent/Carer Virtual Consultation event on 6<sup>th</sup> July 2022.