

---

# SEMH/Autism Secondary Resource Provision - Consultation

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	14 October 2021
<b>Portfolio Member:</b>	Councillor Dominic Boeck
<b>Date Portfolio Member agreed report:</b>	16 September 2021
<b>Report Author:</b>	Jack Caine and Richard Turner
<b>Forward Plan Ref:</b>	EX4089

---

## 1 Purpose of the Report

- 1.1 The purpose of this report is to propose: (1) the transfer of the former primary school site in Theale (the former site) to WBC from the Oxford Diocese Trustees (the Diocese) and (2) the long term future use of the Site as the location of a provision for secondary aged children with SEMH/ASD needs.

## 2 Recommendations

It is recommended that the Executive resolves to delegate to the Service Director for Strategy and Governance, in consultation with the Head of Finance & Property and the Head of Education, having first consulted the Executive Portfolio Holder for Children, Young People and Education and the Executive Portfolio Holder for Finance and Economic Development to enter into appropriate legal documentation for the acquisition of the former site from the Diocese, subject to agreement and for the purposes described below:

- (a) Subject to transfer of the former site to WBC, the site be allocated for the purposes of a provision for secondary aged children with SEMH/ASD needs.
- (b) That the SEMH/ASD be the primary and sole purpose for the former site, but the design development ensure efficient use of the former site.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>Subject to SoS approval if agreed by the Diocese the entire former site could be transferred to WBC at <b>£nil</b> cost. This is instead of the capital receipt WBC is entitled to. The Diocese would reinvest its current beneficial interest in the former site as a percentage proportion in the new school site in lieu of their share of a capital receipt from an open market disposal of the former site. The transfer of the former site to WBC would be based on WBC being responsible for all the Diocese costs. If the Diocese was to decide to dispose of the former site for 'best value' on the open market it is likely they would dispose of the former site based on 'hope' value having established the principle for housing development.</p> <p>Note: Of this total WBC only benefits from a capital receipt for part of the site including an adjustment for 'ransom' value of the Diocese land. The capital receipt received by WBC would be net of the Diocese share and all sales costs.</p> <p>Should the recommendation for SEMH/ASD at the former site not progress, the WBC Education Service will require to acquire an alternative site, with capital expenditure beyond the capital budget allocation in the capital programme. There is currently allocation within the capital programme of £2.36m.</p> <p>Although we anticipate that the initial cost of a placement will be disproportionate, the provision will start to offer significant savings to the high needs block from its third year onwards. Even accounting for these costs in the first two years, the site offers a projected net saving of £1,168,005 across this initial five year period.</p> <p>During the period of vacancy, pending the commencement of construction works for the SEMH/ASD project, there is an ongoing cost to WBC to manage the vacant site (rates, security, repairs, and energy).</p>
<b>Human Resource:</b>	None identified
<b>Legal:</b>	<p>There will be a need to negotiate and enter into appropriate legal documentation for the transfer of the site, subject to Secretary of State consent.</p> <p>Following acquisition of the site there will be ongoing statutory obligations requiring Secretary of State consent for future disposals or any change of use.</p>

	<p>The legal land issues are discussed in more detail in sections 5.14 to 5.23 in this report</p> <p>The specifics of the educational provision proposed both in terms of its nature and its governance is still subject to discussions following legal advice regarding The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and associated statutory guidance. Further advice from counsel is being sought.</p>
<p><b>Risk Management:</b></p>	<p>Locally, the number of children who require an EHCP or are registered as SEN Support with a primary identified need of SEMH or Autism has been on the rise. An increasing number of these children are being placed out of area in independent or non-maintained provision. The West Berkshire SEND Strategy highlighted the need to develop a continuum of local provision to allow more children and young people to have their needs met within their local communities. The advantages of doing this are:</p> <ul style="list-style-type: none"> <li>• That children and young people can be supported more cohesively within their local communities.</li> <li>• The local authority will be able to monitor the quality of the provision more closely.</li> <li>• Pressure will be reduced on the high needs block, as the costs of placing children in independent settings outside of the local authority is considerable.</li> </ul> <p>The Education Service use of the site will support a capital programme project, and will benefit from avoiding the acquisition of a freehold site from the open market.</p> <p>By transferring the entire former site back to WBC, the ownership value that is held by the Diocese in the former site would be exchanged for a beneficial interest in the new Theale Primary School site, resulting in the Diocese holding a circa 35% ownership interest in the new site. For the life of the new site's use as a school, there is no material impact on its use or monetary exchange.</p> <p>The transfer of the former site to WBC is entirely the decision of the Diocese who may choose to dispose of the site on the open market rather than transfer to WBC. Additionally, any disposal of the site to WBC is subject to consultation with the Secretary of State (SoS). Pending formal completion of the legal documentation recording the exchange of land and progression with construction, the site will remain vacant and</p>

	will require ongoing management with associated budget requirements, all falling to WBC.			
<b>Property:</b>	Property Services are currently responsible for the management of the vacant site. Once complete the site will be managed in the same way other schools are managed within the estate.			
<b>Policy:</b>	The preferred option directly supports WBC Education Service statutory delivery of education and in particular SEMH/ASD provision.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		None identified.  Through the public consultation, including direct engagement with key stakeholders, due regard has been given to the accessibility of the consultation by the Education Service.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			If the resource is established, young people with social, emotional and mental health difficulties, who may also have a diagnosis of other SEND (e.g. AUTISM, ADHD) will be able to access suitable education and support in their local community.
<b>Environmental Impact:</b>	X			If the resource goes ahead there will be reduced travel involved as children will be placed locally.  The site is already largely developed for school use and lends itself to re-provision of similar use with minimal impact.
<b>Health Impact:</b>		X		None identified

<b>ICT Impact:</b>		X		None identified
<b>Digital Services Impact:</b>		X		None identified
<b>Council Strategy Priorities:</b>	X			Ensure our vulnerable children and adults achieve better outcomes / Support everyone to achieve their full potential: support everyone on their learning journey to achieve their best.
<b>Core Business:</b>	X			Improve the core business delivery of SEMH/ASD services
<b>Data Impact:</b>	X			None identified
<b>Consultation and Engagement:</b>	A broad range of agencies, including parents and carers, were consulted on the idea as part of the SEND Strategy, which was co-produced in 2018. In 2020, a consultation was held on the proposal to establish new SEMH provision in West Berkshire. A second consultation has now been completed on the use of the old Theale Primary School as the site.			

## 4 Executive Summary

- 4.1 Due to demographic growth in the village of Theale, the primary school has required expansion resulting in the construction of a replacement school on a new site within Theale, a total investment of £8.8m. The replacement school is complete, and the school moved across to the new site in July 2020.
- 4.2 This leaves the former school site vacant, with opportunity for West Berkshire Council (WBC) to acquire the freehold site from the Diocese.
- 4.3 Upon the site becoming vacant the Diocese must dispose of the site. Before doing so the Diocese had a duty to first notify the Secretary of State for Education (SoS) that it intended to dispose of the site (the site containing small areas of playing field land) and to seek a direction as to whether or not the site should be transferred to an Academy pursuant to the Academies Act 2010.
- 4.4 The SoS direction and consent were issued on 8<sup>th</sup> June 2021 enabling the transfer of the land by the Diocese.
- 4.5 In circumstances where WBC takes ownership of the entire former site, the value of the land held by the Diocese in the former site will be exchanged for a beneficial interest in a proportion of the new school site. Throughout the life of the school this will have no impact, until any future disposal. The new school site is subject to statutory transfer to the diocese owing to its status as a Voluntary Controlled school.

- 4.6 The new school site is subject to a statutory transfer to the Diocese owing to the school's status as a Voluntary Controlled school.
- 4.7 Upon the simultaneous statutory transfer of the new school site by WBC to the Diocese and the transfer of the former site by the Diocese to WBC, WBC will: (1) have acquired the Statutory Transfer Land in lieu of an open market capital receipt from the sale of the Statutory Transfer Land, (2) have acquired the Old Site (3) have discharged its statutory duty to transfer the new site to the Diocese, and (4) have protected its percentage beneficial interest in the new school site.
- 4.8 Upon simultaneous transfer of the former site by the Diocese to WBC and the statutory transfer of the new school site by WBC to the Diocese, the Diocese: (1) will have discharged its obligation to pass the proceeds of sale of the Statutory Transfer Land to WBC (2) will have acquired a percentage beneficial interest in the new school site to a value equal to the percentage ratio of the Old Site to the former site (3) will hold WBC's percentage beneficial interest in the new site on trust for WBC.
- 4.9 An expressions of interest document was issued to all Heads of Service/Service Directors seeking interest from the Services, to establish options for the site should it be transferred into the ownership of WBC.
- 4.10 From this enquiry, WBC is presented with a number of potential options for the site:
- (a) Education Service Special Educational Need for secondary age SEMH (Social, Emotional and Mental Health) provision;
  - (b) Housing Joint Venture Disposal of the site to the WBC/Sovereign Housing Association (SHA) joint venture, resulting in opportunity for further affordable housing in the district.
  - (c) Capital receipt WBC could also simply seek to benefit from its proportion of the capital receipt once the site is sold by the Diocese.
- 4.11 While the hierarchy of council priorities can be subjective, where in this case Education provision is considered alongside the provision of affordable housing, it is recommended that WBC seek to have the land transferred back to it, for the preferred option of use for SEMH/ASD provision.

The recommendation is formed from the urgent case for SEMH provision expressed in this report, coupled with the legal encumbrances which require overcoming to enable a housing development (the requirement for SoS approval and s.77 application).

- 4.12 Locally, the number of children who require an EHCP or are registered as SEN Support with a primary identified need of SEMH or Autism has been on the rise. An increasing number of these children are being placed out of area in independent or non-maintained provision. The West Berkshire SEND Strategy highlighted the need to develop a continuum of local provision to allow more children and young people to have their needs met within their local communities. The advantages of doing this are:
- (a) That children and young people can be supported more cohesively within their local communities.

- (b) The local authority will be able to monitor the quality of the provision more closely.
- (c) Pressure will be reduced on the high needs block, as the costs of placing children in independent settings outside of the local authority is considerable.

4.13 A public consultation was conducted over a six week period from 9<sup>th</sup> November 2020 on the proposal to establish maintained provision. This consultation resulted in an overwhelming majority (97.7%) of respondents agreeing with the proposal.

4.14 Following this consultation the Castle School was identified as the host school for the provision and the former primary school site at Theale identified as a suitable site.

4.15 A further public consultation was then conducted for six weeks from 30<sup>th</sup> April 2021 which identified the Castle School as host school and Theale as the proposed site. Of the one hundred and forty six responses 86% said they did not have concerns about the use of the former primary school site in Theale.

4.16 The SEMH/ASD as a project has a capital budget allocation of £2.36m within the capital programme for the refurbishment/redevelopment of the Theale site. A budget pressure has been identified which will be addressed within the current capital programme refresh.

## **5 Supporting Information**

### **Introduction**

- 5.1 Due to demographic growth in the village of Theale, the primary school has required expansion resulting in the construction of a replacement school on a new site within Theale. The newly constructed site is complete, was handed over to the school in July 2020 and is fully operational. The former school site is now vacant.
- 5.2 It is proposed to use the old Theale Primary School as the site of a 42 place provision. This development is intended to meet the needs of secondary-aged children with Social, Emotional and Mental Health needs (SEMH) who may have a diagnosis of Autism. It is recommended that the vacant site, subject to acquisition from the Oxford Diocese, be allocated for operational use to deliver SEMH/ASD.

### **Background**

#### SEMH/ASD

- 5.3 Locally, the number of children who require an EHCP or are registered as SEN Support with a primary identified need of SEMH or Autism has been on the rise. An increasing number of these children are being placed out of area in independent or non-maintained provision. The West Berkshire SEND Strategy highlighted the need to develop a continuum of local provision to allow more children and young people to have their needs met within their local communities. The advantages of doing this are:
  - (a) That children and young people can be supported more cohesively within their local communities.
  - (b) The local authority will be able to monitor the quality of the provision more closely.

- (c) Pressure will be reduced on the high needs block, as the costs of placing children in independent settings outside of the local authority is considerable.

5.4 If the proposal goes ahead, young people attending the provision will receive a personalised curriculum with multi-agency support. There will be carefully planned opportunities to maximise inclusion in mainstream learning and social activities wherever possible. The resource will be developed in line with therapeutic thinking principles. The curriculum will be developed around principles of aspiration, preparing for adulthood, fostering positive community links and developing independence.

5.5 Ahead of a meeting of the Heads Funding Group in October 2020, modelling was undertaken to establish potential savings if a maintained SEMH provision was opened. These savings were based on the difference between the cost of a place in the new provision and the average cost of an external placement. For the purposes of this report, this modelling has been revised with current projected unit costs. A summary is provided in the table below:

Financial year	Nos on roll	Unit cost WBC provision	Total cost WBC provision	Nos on roll	Unit cost external provision	Total cost	(Saving)/deficit
2020-21	-	-	-	-	-	-	0
2021-22	-	-	-	-	-	-	0
2022-23	12	79,677	956,124	12	60,000	720,000	236,124
2023-24	21	60,942	1,279,782	21	60,000	1,260,000	19,782
2024-25	30	52,911	1,587,330	30	60,000	1,800,000	(212,670)
2025-26	39	47,667	1,859,013	39	60,000	2,340,000	(480,987)
2026-27	42	42,613	1,789,746	42	60,000	2,520,000	(730,254)

5.6 Although we anticipate that the initial cost of a placement will be disproportionate, the provision will start to offer significant savings to the high needs block from its third year onwards. Even accounting for these costs in the first two years, the site offers a projected net saving of £1,168,005 across this initial five year period.

5.7 A decision was taken to consult on the proposal to establish maintained provision. A survey questionnaire was published on the council's website on the 9th November 2020 for a 6 week consultation period and meetings were arranged with local stake holders. In summary,

- (a) An overwhelming majority (97.7%) of respondents agreed with the proposal to open a 42 place specialist resource.
- (b) Views which were expressed within the survey aligned closely with the council's overall vision for the provision.



- 5.8 Following the results of this consultation, The Castle School was identified as the host school for the provision. The Castle School is considered to be a good fit because of their significant expertise supporting children with SEND and because of their longstanding Ofsted outstanding rating.
- 5.9 A site search suggested that the old Theale Primary School was the most suitable site for the provision. The site itself satisfied the basic requirements of being small and separate from the host school whilst offering a suite of classrooms, hall, catering space and some specialist teaching facilities. In addition, the old Theale Primary school site is considered to have the following advantages:
- (a) The site and building lends itself well to educational use.
  - (b) It is available to refurbish and use (subject to final decision by the diocese).
  - (c) Reuse of this site for educational purposes represents an efficient use of resources.
  - (d) The school has good transport links from the M4.
- 5.10 On the 30th April 2021, a further consultation opened to establish the views of the public towards the use of the old Theale Primary School site. This included a public-facing webinar and a wider online survey. Local stakeholders were contacted ahead of this consultation to ask if they would like a separate meeting to discuss the proposals. A full list of stakeholders who were contacted can be found in Appendix A.
- 5.11 Tigers Day Nursery and Theale Parish Council requested separate meetings which were arranged alongside the wider public webinar. Attendees of all meetings were invited to ask questions, which are summarised thematically with the council's response in Appendix A. In brief:
- (a) Questions were asked about the identified cohort and the impact on local traffic. The suitability of the site was raised as a point of concern.
  - (b) A number of people were interested in the proposed curriculum and asked questions about sponsorship and management of the provision.
- 5.12 Respondents to the online survey were asked in what capacity they were responding, whether they had any concerns about the proposals or further comments to add. A more detailed breakdown of the responses received can be found in Appendix A. In summary:
- (a) Of the 146 responses received, 86% said they did not have concerns about the use of the old Theale Primary school as the site of the new provision.
  - (b) Over 36% of respondents identified as a parent or carer of a child with SEND; over 24% identified as education professionals and a further 23% as local residents.
- 5.13 Responses to the online survey, and questions raised in meetings, suggest the proposals are unlikely to face substantive opposition from local residents and stakeholders. A considerable majority of responses to the online survey have been in favour of the provision and many of the queries have concerned how young people attending will be supported and taught. This suggests that most respondents are keen

for the proposals to be successful and meet the needs of young people in the community.

The site and legal status

- 5.14 The now vacant former school site is currently in the registered ownership of the Diocese. The site comprises two registered titles (1) the old Victorian school building (the Old Site), (2) the remainder of the school (the Statutory Transfer Land). See appendix B (land edged red is Statutory Transfer Land and edged blue is the Old Site).
- 5.15 The Diocese has a 100% beneficial interest in the Old Site but has no beneficial interest in the Statutory Transfer Land, the Statutory Transfer Land having formerly been in the ownership of WBC and transferred to the Diocese by WBC pursuant to WBC's statutory duty to do so. The Statutory Transfer Land is held on trust for WBC by the Diocese.
- 5.16 Similar to the former school site, as the school now occupies the new replacement site, WBC has a statutory duty to transfer the new replacement site to the Diocese (excluding the playing fields). Following the statutory transfer of the new replacement site the Diocese must dispose of the former site.
- 5.17 If the Diocese disposes of the entire former site, on the open market, the Diocese would be entitled to retain the proportion of the capital receipt in respect of the Old Site and, after the deduction from the sale proceeds of the Diocese share and all other associated sale costs, WBC would be entitled to receive the remaining net proceeds of sale. The Diocese may also choose to reinvest its capital receipt in the new replacement site.
- 5.18 Although it is under no obligation to do so, in circumstances where the Diocese choose to transfer the former site to WBC the Diocese would retain its percentage beneficial ownership by investing the full value of the Old Site in the new replacement site. This would free up the entire site for transfer to WBC.
- 5.19 The Diocese is obliged to achieve 'best value' when disposing of the former site. Whether this relates to the split of capital receipt or the proportion of interest held by the diocese in the new school site.
- 5.20 In terms of land value, there will be a requirement in the event of disposal on the open market, that suitable split be agreed between the Diocese and WBC. This is likely to be based on disposing the land having established planning principles and thus sold with 'hope' value for development. Owing to the reliance on the Diocese land for access to develop the entire former site, any uplifted value of the WBC land is likely to be shared with the Diocese.
- 5.21 WBC has been in detailed discussion with the Diocese regarding the potential transfer of the site back to WBC at nil cost. This would be instead of the open market disposal meaning neither party would benefit from the capital receipt.
- To retain its financial interest (for land edged in blue – appendix B) the Diocese would retain an interest in the new Theale Primary School site. This financial benefit would only be realised in circumstances where the site ceased to operate as a school and the land sold.

- 5.22 The Statutory Transfer Land comprises three identified small areas of playing field land. Prior to any disposal (including any transfer back to WBC) of the Statutory Transfer Land by the Diocese, the Diocese must comply with its statutory obligation, pursuant to Section 77 of the School Standards and Framework Act 1998, of seeking the consent of the Secretary of State for Education to the disposal of those areas of playing field land. In addition the Diocese must notify the Secretary of State, pursuant to Schedule 1 of the Academies Act 2010, of its intention to dispose of the Statutory Transfer Land so that the Secretary of State can give a direction as to whether or not the Statutory Transfer Land (or any part of it) be transferred to any local Academy.
- 5.23 The Diocese complied with its statutory obligations to notify and seek the consent of the Secretary of State and on 8<sup>th</sup> June 2021 consent was received from the SoS for the land transfer to progress.
- 5.24 Discussion between WBC and the Diocese has resulted in the proposal that both WBC and the Diocese can discharge their respective statutory obligations simply by the exchange of the former site and of the new site by way of transfers to one another.
- 5.25 The DfE has indicated that should the Council wish to change its use or dispose of the old site (ie the statutory transfer land edged red not including the old school building edged blue – appendix B), as opposed to continuing an educational use, it will be necessary for the Council to seek S77 consent in respect of the three areas of playing field and to obtain the direction of the Secretary of State, relating to use by an academy, under Paragraph 12 of Schedule 1 of the Academies Act 2010.
- 5.26 An expressions of interest document was issued to all Heads of Service/Service Directors seeking interest from the Services, to establish options for the site should it be transferred into the ownership of WBC.
- 5.27 From this enquiry, there are two potential uses for the site, should WBC successfully acquire the site:
- (a) Operational use by the WBC Education Service for the purposes of providing SEMH/ASD services;
  - (b) The development of the site for housing purposes, particularly the delivery of affordable housing. The method of delivering this would be likely to be through the joint venture between WBC and Sovereign Housing Association (SHA)

## **Proposals**

- 5.28 It is proposed, subject to transfer of the site from the Diocese that WBC develop the site for the operational delivery of services related to SEMH/ASD.
- 5.29 A budget allocation of £2.39m is within the current capital programme and a construction project is currently progressing through early design stages.

## 6 Other options considered

- 6.1 The option is available for WBC to withdraw its interest in acquiring the site from the diocese (at nil cost) with the diocese then disposing of the site on the open market for 'best value'. WBC would benefit from a proportion of the capital receipt.
- 6.2 WBC could complete the transfer of the site for the purposes of developing the site to provide affordable housing. The mechanism available to the council to deliver this is likely to be through the joint venture between WBC and Sovereign Housing Association (SHA).

A significant constraint on this option is the position of the DfE that prior to any change of use or disposal WBC would first need to seek Secretary of State consent under the Schools Standards and Framework Act 1998 and would need to seek a direction under the Academies Act 2010.

## 7 Conclusion

- 7.1 There is demand within the District for the delivery of SEMH/ASD services, which requires a dedicated site.
- 7.2 WBC has the opportunity to acquire the Theale site from the Oxford Diocese at nil cost (although WBC would forego its share of capital receipt if the site was sold) for the purposes of the SEMH/ASD provision.

## 8 Appendices

- 8.1 Appendix A – Outcome of consultation
- 8.2 Appendix B – Site layout showing split of ownership

---

### Background Papers:

Report prepared by WBC Education Service related to the proposed provision of SEMH/ASD and the associated consultation.

### Subject to Call-In:

Yes: ☒ No: ☐

- |  |                          |
|--|--------------------------|
| The item is due to be referred to Council for final approval   | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council   | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position   | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision  | <input type="checkbox"/> |
-

Report is to note only

☐

**Wards affected:** Theale

**Officer details:**

Name	Richard Turner	Jack Caine
Job Title	Property Services Manager	SEND Strategy Officer
Tel no.	01635 503653	01635 503639
E-mail	<a href="mailto:Richard.Turner@westberks.gov.uk">Richard.Turner@westberks.gov.uk</a>	<a href="mailto:jack.caine1@westberks.gov.uk">jack.caine1@westberks.gov.uk</a>

**Document Control**

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

**Change History**

Version	Date	Description	Change ID
1			
2			

## Appendix A

### Outcome of consultation

#### **Outcome of consultation on proposal to establish a new specialist resourced provision for secondary-age learners with Special Educational Needs and Disabilities (SEND) on the old Theale Primary School site**

**30<sup>th</sup> April to 13<sup>th</sup> June 2021**

#### **1. Background**

1.1 Following a review of its provision and services for children and young people with special educational needs and disabilities (SEND), West Berkshire Council developed its SEND Strategy 2018-23. This was co-produced with parents, schools, Health partners and other stakeholders. Implementation of the strategy is overseen by the SEND Strategic Partnership Board which has representation from all key stakeholders and partners.

1.2 The strategy has five strategic objectives:

- Objective 1: Improve the capacity of mainstream schools to meet the needs of children with SEND
- Objective 2: Expand local provision for children with SEND in order to reduce reliance on external placements
- Objective 3: Improve post 16 opportunities for young people with SEND, including better access to employment
- Objective 4: Improve preparation for adulthood, including transition from children's to adults' services in Social Care and Health
- Objective 5: Improve access to universal and targeted Health services for children with SEND

1.3 The creation of two provisions for primary and secondary children with social emotional and mental health needs (SEMH) and Autism was one of the areas for development highlighted in objective two. These provisions will be attached to existing West Berkshire maintained schools who will be responsible for their management.

1.4 A staffing model, costings and accommodation requirements were established between 2019 and 2020 and work was also completed to establish the demand for this type of provision.

1.5 Between the 9<sup>th</sup> November and the 20<sup>th</sup> December 2020 a consultation took place to establish the views of the public towards the proposals. At this time, no host school or site had been identified. In summary:

- 86 people responded to the consultation. Of these 86 people, 53.5% of these were parents and 16.3% of these were education professionals.
- In answer to the question “do you agree with our proposal to increase local provision for learners with complex needs related to SEMH and Autism” 97.7% responded yes.
- In answer to the question “do you agree with our proposal to develop a 42 place specialist resource for secondary aged pupils” 96.5% responded yes.

1.6 Following the results of this consultation, The Castle School was identified as the host school for the provision and a site search suggested that the old Theale Primary School was the most suitable site for the provision.

1.7 On the 30<sup>th</sup> April 2021, a further consultation opened to establish the views of the public towards the use of the old Theale Primary School as the site for this proposed SEMH provision. This included a public-facing webinar and a wider online survey and meetings with local stakeholders.

## **2. Consultation method**

2.1 In common with the previous consultation, the proposals were set out together in a consultation document with a survey questionnaire. Both of these were published on the Council’s website on 30<sup>th</sup> April 2021 for six weeks.

2.2 Prior to the start of the consultation, local stakeholders were contacted to ask if they would like a separate meeting to discuss the proposals. These key stakeholders included:

- Theale Parish Council
- Holy Trinity Church
- Tigers Day Nursery
- Oxford Diocese
- Alok Sharma MP
- Theale Primary School
- Theale Green Secondary School

2.3 Tigers Day Nursery and Theale Parish Council requested separate meetings which were held virtually on Thursday 13<sup>th</sup> May and Tuesday 11<sup>th</sup> May 2021 respectively. The meeting with Tigers Day Nursery was attended by the SEN and Disabled Children's Team Service Manager and the SEND Strategy Officer. The meeting with Theale Parish Council was attended by representatives from West Berkshire Council's education service, property service and the Castle School.

2.4 A public webinar was organised during the consultation period. Representatives from the council's education and property services attended this meeting to represent the proposal and the webinar was chaired by the Lead Member for Education from the council's executive. Attendees of the webinar were also invited to ask questions which would be responded to publicly in the meeting. In all meetings, attendees were invited to ask questions which would be responded to publicly. These are summarised thematically, along with the responses to questions raised by the online survey in section 3.3.

### 3. Consultation survey results

#### 3.1 Number and category of respondents

**Table 1: Please specify the capacity in which you are responding. Tick all that apply:**

	Frequency	Percent
Young person	1	0.7%
Parent or carer of a child with SEND	53	36.6%
Education professional	36	24.8%
Health professional	2	1.4%
Social care professional	2	1.4%
Theale Parish Council representative	2	1.4%
Holy Trinity Church (Theale) representative	0	0.0%
Oxford Diocese representative	0	0.0%
Theale local resident	34	23.5%
Other (please specify)	32	22.1%
Total number of survey responses	146	
Skipped	1	
Total number of question responses	145	



Survey respondents were able to identify as more than one of the categories. The majority of responses identified as a parent or carer of a child with SEND (36.6%). The next most frequently identified categories were Education professional (24.8%) and Theale local resident (23.5%).

### 3.2 Potential concerns about the proposal

**Table 2: Do you have any concerns in relation to the use of the old Theale Primary School site for a specialist resourced provision?**

	Frequency	Percent
Yes	20	13.9%
No	124	86.1%
Total number of survey responses	146	
Skipped	2	
Total number of question responses	144	

86.1% of respondents did not identify as having a concern about the use of the old Theale Primary School site as a specialist resourced provision.

### 3.3 Comments from respondents on the proposals

**Table 3: What are your concerns? Please include ways in which your concerns could be addressed, if appropriate**

	Frequency	Percent
Answered	17	11.64%
Skipped	129	88.35%
Total number of survey responses	146	

**Table 4: Any further comments?**

	Frequency	Percent
Answered	82	56.16%
Skipped	64	43.83%
Total number of survey responses	146	

Respondents who identified as having concerns about the proposals were asked in question 3 what their concerns were and possible ways that their concerns could be addressed. Question 4 asked respondents if they had any further comments about the proposals. A number of themes emerged through both sections. These are summarised below, alongside points which were raised in the webinar and meetings with stakeholders. The council's response has also been included.

#### **Identified cohort and eligibility for entry**

- “The title of the consultation document refers to SEND, however the body of the article refers to SEMH. Could we please have clarity on the purpose of this provision? Also, is this facility for those who have or are undergoing a formal diagnosis of a learning disorder such as Autism?”
- “As you need an EHCP to be considered for a place, and we know how hard it is to get one [..], won't this be a barrier and won't children be left with nothing whilst waiting for an EHCP?”
- “Given the chronic shortage of staff in CAMHs [...], long waiting lists and the difficulty of coordination between [...] services [...] how will the children be supported and how will this be commissioned for the school without this impacting on current services?”
- “Will the pupils all be coming from West Berkshire, or from out of area too?”
- “I am extremely keen for my son to be considered for a place in September 2022.”

#### **Council's response:**

Children who attend the provision will have an Education, Health and Care Plan (EHCP). Pupils of the provision will have emotional needs and, in many cases, they will have a diagnosis of autism. In some cases, they may have additional diagnosed needs such as attention deficit hyperactivity disorder (ADHD). If children have presenting needs which are indicative of Autism or an anxiety disorder and these needs are a good fit for the provision, then the absence of a diagnosis won't be a barrier to entry.

Other children may have needs of this type, but at a less acute level. These children will be able to have their needs met within their mainstream school. Some of the children attending the provision may be from out of area. Children whose needs may be appropriate for the provision will be identified through an assessment for Education Health and Care plan or via annual review.

### **Transportation and parking**

- “The proposal states that it is likely that most of the children will be transported to and from school, is it possible to have more information on the numbers expected to travel by minibus/public transport/family vehicles?”
- “Will children attending be accompanied onto and off site at both ends of the school day? Will any children travel independently without an adult?”
- “How many staff will be travelling in?”
- “What car parking facilities will be utilised for the transport of these children whether local authority organised or other, given the high levels of traffic in the area for both of the other schools?”
- “Though there are good reasons for using the site in Theale, I wonder whether a potential pupil [...] in Hungerford is likely to opt not use this site because of the travel time.”
- “My concern would be if some children require wheel chairs or could be frightened by traffic etc. Some kind of kiss and drop could work well to keep everyone happy and most importantly safe.”

### **Council's response:**

It is not possible to be precise about numbers at this stage. We anticipate that most children will be transported to and from school by minibus or taxi. A small number may be brought to school by parents or independently, but only where it has been decided that this is appropriate. Staff will be present at the beginning and the end of the school day to assist with transitions in and out of school.

There will be up to 39 members of staff and it's difficult to say exactly where these will come from. Staff will be encouraged to car share and to use environmentally friendly methods of transport.

We appreciate that there is currently restricted access to the site. The design process will also look at on-site car parking to make it appropriate for the new facility and will aim to reduce the likelihood of parking off-site.

At the moment there is no provision of this type in West Berkshire, so children with acute needs of this type are often placed out of area to have their needs met. Although a site in Theale may represent a longer than ideal journey time for some children, this is still within acceptable limits and will be substantially preferable than being placed out of area.

### **Suitability of the site and refurbishment**

- “The current school buildings are in a dilapidated state and much of the infrastructure was considered to be at the end of its useful life. Is it economically viable to reuse these buildings and is there sufficient capital funding?”
- “I understand there are questions about the site being in the ownership of the Church [/Diocese]. Has this been resolved?”
- “Will all the temporary buildings be removed? Will there be sufficient play space on site? Will the original house be used?”
- “There may be a small amount of children who have a physical disability as well as a mental health [need]. Will this [provision] be accessible to them? Will you have hoists and height-adjustable change benches?”
- “Is there a possibility that the whole site may not be used and if not, will any land be available for sale?”
- “I would like to hope that the site will have solar panels fitted to provide it [with a] sustainable energy supply.”
- “Is it large enough? Is it future proof? Is 42 places sufficient for the long term requirements?”
- “The old primary school would be better used to serve the Theale community.”
- “It is a very small, very old building outside of Newbury. I think our children would benefit from a modern purpose built facility in Newbury.”
- “There are quite a few specialist schools in close proximity and this site is close to the Reading border which could be an issue with many after a few places.”
- “I wanted to comment to say if this goes ahead, I would like to offer my time as a volunteer to help refurbish the school.”

### **Council's response:**

The buildings on the site are usable and will be subject to refurbishment. A design process will look at the buildings currently on the site and this is likely to recommend the removal of some modular buildings. The design process will also consider provision of utilities including heating in a way that is compliant with environmental standards as well as the council's Environment Strategy. The council are currently undertaking a legal process to transfer the land back into the ownership of the Council. We have planned for a 42 place provision which we anticipate will meet the needs of secondary aged SEMH children in West Berkshire for the foreseeable future.

The old school house is one part of the school site. The design process will look at this building to decide how it could best be utilised. The site will be subject to refurbishment to ensure that the provision is equipped to fully meet the needs of this cohort of children in the same way a purpose built facility would.

If this provision is the best match for a child with a physical disability in addition to their other diagnoses or mental health needs then we would seek to make this provision accessible to them. We would make reasonable adjustments in order to do this. In the first instance, we would need to decide whether this provision is the best match for that particular child's needs.

At the moment, the use of the whole site is anticipated, so it is highly unlikely that any land will be available for sale. If the proposal does proceed, a contractor will be hired to progress all the required work and refurbishment.

### **Management of the school**

- "Is there another school sponsoring or associated to this facility?"
- "Where are you recruiting your staff from, what kind of training will the assistants have and will the staff be taken from existing schools?"
- "We may wish to see if there is potential for contracted transport to be integrated with transport to Theale Green and/or Theale Primary and Secondary ASD resources [...] there may be opportunities for using sustainable transport provision too"
- "While the use of the old Primary School buildings may offer more space the fact that it is a distance from the main school will make inclusion less likely to happen in the future.."
- "Funding cuts may impact quality of care"
- "It would be good for the existing school to provide outreach to the SEND school to offer support, mutual understanding of learning differences, skills and to help the SEND pupils interact with a wide cross-section of society. [...] [I]t would be helpful to have strong links to businesses that can foster and grow the young people's skills, acquaint them with the working world and put their academic studies to use."
- "It would be great to know if there is space available at the school to be able to run [community] meetings there too?"
- "Would be nice if [you] extend[ed] this to young adults too during the day as there is not many options for care when [they] finish school at 19. Would also be nice if they [offered] over night respite care. I would be interested in finding out about any jobs available too."

### **Council's response:**

The Castle school are sponsoring this provision. They are an outstanding school, specialists in SEND and have expertise in how to teach children with Social and Emotional Health (SEMH) difficulties. The leadership team at the school are excited to develop the provision, including working with the local community and developing new staff. The Castle School will be in charge of recruitment and will recruit externally as any school would. Staff will be able to access a full induction package and expertise will be brought in as appropriate.

The school will have its own funding bands which will be budgeted to meet the needs of all attending pupils. The leadership team at Castle School are committed to working with local stakeholders, including schools and local residents to ensure the provision is a success. This will include use of the site by community groups as appropriate.

This provision will not offer overnight care or respite, however it will offer a post-16 curriculum for those attending.

### **Curriculum and provision**

- "Will the school be offering GCSE exams for these students? Will the children be grouped by year groups or will the year groups be mixed?"
- "How will the classes be blended, by age or diagnoses?"
- "With the 12 initial pupils, will this only be Years 7 and 8, or will this be spread between the 11-18 age range?"
- "Will you be expecting to take pupils who have learning difficulties or will you take pupils who are close to ARE?"
- "My concern is if it looks like a school environment and some of these children have experienced trauma caused by a school, this may not work in helping them [be able to] access school and be able to attend."
- "Will the premises have secure fencing and lockable entry?"
- "[How will you] ensure that the varying needs of the students are financed appropriately in the long term [and] at an individual level as the need & potential for development & security evolves."
- "There are already a number of Send schools in the area that could increase their capacity and staff ratio."

**Council's response:**

The Castle School will deliver a curriculum which will aim to meet the needs of the young people attending it. If specific young people require a GCSE exam, then this can be facilitated. In general, children will be grouped around need and careful consideration will be given towards the dynamics of each group. We envisage that the first cohort will primarily years 7 and 8, but we can't rule out year 9. We anticipate that children will be mainly within the mainstream range of ability and pupils will be able to access a mainstream curriculum with differentiation and appropriate support.

School leaders at The Castle are experienced at working with children who have experienced trauma. The curriculum will concentrate on meeting need which may have gone unmet in mainstream settings so that all children can thrive. This will be a therapeutic provision which will aim to work with children who have acute SEMH needs in ways which a mainstream school would not be able to.

There are currently no maintained SEND schools or provisions within West Berkshire which are able to meet the needs of this cohort of children. Our maintained special schools have waiting lists.

**Behaviour that challenges**

- "The site is adjacent to the village recreation grounds and a playground for small children. If this provision is likely to have older children with behavioural issues, what are the plans to safeguard the younger children in the village as well as the students from the nearby secondary school, both before and after school?"
- "Is this provision for children who have been excluded from mainstream schools due to their behaviour and SEMH (and who may or may not have SEND)?"

**Council's response:**

Unmet need is often the root cause when children exhibit behaviour that challenges in mainstream settings. We anticipate that a carefully planned, nurturing environment and a relationship based curriculum will ameliorate more challenging behaviours. Pupils will be supervised on site at all times and pupils will not be allowed off site during lunch time. When pupils do access resources in the community this will be done with supervision and support at all times.

The provision is for children who are unable to manage in a mainstream school, but it is unlikely they will have been excluded. They will have been identified as needing alternative provision through review of their EHCP and moved to specialist provision in a planned way. A small number of children who attend may have been excluded, but it is important to remember that

these are not children who choose not to conform, they are children whose additional needs cause them distress in a mainstream setting.



## Site plan

## Appendix B

Land with WBC interest in **red** and Oxford Diocese land in **blue** (value transferred into new school)

