

DETERMINATION

Case reference: **STP/000570**

Proposal: **To modify the date on which a new community secondary special school is established in Cambridgeshire from 1 April 2012 to 1 September 2012.**

Proposer: **Cambridgeshire County Council**

Date of Determination: **14 February 2012**

Determination

In accordance with Schedule 2 to the Education and Inspections Act 2006, I approve the proposal to modify the date on which a new community secondary special school is established in Cambridgeshire from 1 April 2012 to 1 September 2012.

The referral

1 On 19 January 2012, Cambridgeshire County Council's (the Council) head of commissioning enhanced services wrote to the Office of the Schools Adjudicator (OSA) on behalf of the Council requesting a modification to the date on which a new secondary community special school (the School) be established from 1 April 2012 to 4 September 2012. In a subsequent email dated 10 February 2012 the Council requested that the date on which the new school be established be further modified to 1 September 2012.

Jurisdiction

2 On 22 July 2011, the Schools Adjudicator (the Adjudicator) approved the Council's proposal to establish a new community secondary special school on 1 April 2012. (See determination STP/000554). On 19 January 2012, the Council referred their request to modify this date to 4 September 2012. On 10 February 2012 the Council asked for a further modification to the date of establishment, this time to 1 September 2012.

3 I am satisfied that the proposal has been properly referred to me in accordance with Schedule 2 to the Education and Inspections Act 2006 (the Act) and that, therefore, I have jurisdiction to determine this matter.

Procedures

4 In considering this matter I have had regard to all relevant legislation and guidance.

5 I have considered all the papers put before me including the following:

- a letter from the Council's head of commissioning extended services dated 19 January 2012;
- the Adjudicator's determination (STP/000554) dated 22 July 2011; and
- emails from the Council dated 2 and 10 February 2012.

The Proposal

6 The proposal is to modify the date on which the School is established from 1 April 2012 to 1 September 2012.

7 The Council states that this proposed modification is being made following a request to do so by the School's temporary governing body (TGB). The TGB and the Council wish to make the modification because the executive headteacher who has been appointed to lead the new school has indicated that he will not be able to take up the post in January 2012 as planned. It is now unlikely that he will be able to do so until 16 April 2012.

Background

8 The School, which will provide education for boys and girls aged 11-18, is being formed by the amalgamation of three learner centres which occupy three separate sites. These centres are not registered as schools. The School will be a split site school that occupies the same premises as the three learning centres. In the 2011 determination the Adjudicator concluded that *"the potential benefits of working as a single school should enable better provision to be made to meet the special needs of the pupils and help them achieve at the best level possible of which they are capable."*

9 The Council established a TGB in July 2011 and, since then, the TGB has been fully involved in planning the School. In order to ensure an effective amalgamation of the three learning centres, the Council took steps to ensure that the School's headteacher could take up his new post on 1 January 2012. Although the TGB made the appointment after the relevant autumn term 2011 resignation date, the governing body of the appointee's school indicated they would be prepared to grant early release to enable him to commence his new post on this date. However, since granting this permission, the deputy head of the same school has left their post. The governing body were thus faced with the simultaneous loss of their two senior staff and therefore withdrew their agreement to the early release of the School's headteacher. The Council accept that this was a reasonable decision and I agree. The new appointee will now be able to take up post on 16 April 2012 although the governing body have also indicated that, if the vacant deputy headteacher post can be filled by someone who could start before 16 April, they would be prepared to release the School's headteacher at an earlier date.

10 The TGB and the Council believe that the School cannot be established without preparatory work being done by the headteacher because to do so would be *"detrimental to the learning of the pupils"*. They further believe that *"the identified stakeholders, including pupils, staff parents or the community"* will not *"suffer any detrimental impact due to this delay."*

Consideration of Factors

11 I have considered the proposal afresh taking careful account of arguments put to me by the Council. In doing so I have taken into account the relevant sections of the DfE's guidance for decision makers.

Effect on Standards and School Improvement

12 The Council decided to establish the School because it believed it would improve provision for the relevant group of pupils, a view accepted by the Adjudicator in the 2011 determination. In particular, the Adjudicator noted that the new school could build on the strengths of the existing learning centres, tackle the shortcomings, provide a better foundation for a consistent approach to curriculum planning and professional development and benefit from the stronger focus that one governing body would provide. I believe this analysis remains persuasive. The creation of the School from three existing learning centres on separate sites will be complex and the Council is right to be concerned that the absence of a headteacher could create unnecessary risks. The Council reports that these concerns are shared by the learning centre staff, the Council's own standards and effectiveness officers and the newly appointed headteacher. The existing provision is well established and the Council's view that a delay of one term in the opening of the new school will not have a detrimental impact on the quality of education and standards is reasonable. I believe that the risk to school standards and school improvement of establishing the School without a headteacher outweighs any inconvenience caused by a delay in establishing the School, especially as the School will now be established at the start of a new school year.

Need for Places

13 This proposal will not affect the number of available places. All pupils who attend the three learning centres will be offered places at the School. The learning centres have the capacity to cater for any additional demand which might arise during the spring and summer terms of 2012.

Impact on the Community and Travel

14 The travel arrangements for pupils attending the School will be the same as those currently in place for the three learning centres. These arrangements will therefore not change because of this proposal.

Special Educational Needs Provision

15 The School will be a special school catering for pupils with special educational needs and is designed to improve on current provision. This proposal will help the School get off to a good start by ensuring appropriate leadership is well established by the proposed new opening date.

Funding

16 The Council have made budget provision for the headteacher to take up his post before the School is established. This decision will be helpful to the School.

Views of Interested Parties

17 This proposal has the support of the TGB and learner centre staff. There were no objections to the Council's original proposal to establish the School and the 2011 determination noted that "*careful consideration has been given to making good provision for the pupils*" by specialist staff. The evidence suggests that this proposal is supported by the relevant interested parties.

Further Change to the Date on Which it is Proposed that the School is to be Established.

18 In the original referral, the Council requested that the School be established on 4 September 2012, a date which was chosen as this was the first day of term. On reflection, the Council requested a further change to this date, from 4 September to 1 September. This date aligns with the closure of the three learning centres on 31st August 2012 and enables the continuity of employment of staff and the smooth transfer of pupils. For these reasons, establishing the School on 1 September makes more sense.

Conclusion

19 The objective of this proposal is to improve the quality of education available to pupils with special educational needs in the relevant parts of Cambridgeshire. It has the potential to achieve this. The creation of the School from the amalgamation of the three existing learning centres on separate sites will be complex and effective leadership will be essential to the School's early success. Delaying the establishment of the School by one term to ensure that such leadership is in place makes sense and is likely to benefit pupils. It also makes sense for the School to be established on 1 September, rather than 4 September, as was proposed in the initial referral. I can find no reason why this proposal should not be approved and I therefore approve the modification to the date on which the School is established.

Determination

20 In accordance with Schedule 2 to the Education and Inspections Act 2006, I approve the proposal to modify the date on which a new community secondary special school is established in Cambridgeshire from 1 April 2012 to 1 September 2012.

Date: 14th February 2012.

Signed:

Schools Adjudicator: John Simpson