

Title: Rosewood Free School
Author: Department for Education (DfE)

Impact Assessment – Section 9 Academies Act Duty

1. Section 9 of the Academies Act 2010 places a duty upon the Secretary of State to take into account what the impact of establishing the school would be likely to be on maintained schools, Academies, institutions within the further education sector and alternative provision in the area in which the school is situated.

2. In order to satisfy this requirement, the Secretary of State should make an informed and rational assessment of the likely impact of the proposed additional school. This impact will need to be balanced against an assessment of benefit of allowing the proposal school to be established.

Background

3. Rosewood is a 3-19 special school specialising in pupils with profound and multiple learning difficulties (PMLD). It is based in Southampton (SCC) with 31 NoR and a capacity of 30. To meet growing demand, it is proposed that the school will increase its intake to 42 pupils in September 2012 and to 60 pupils by September 2013. They envisage extending the age range to 0-3 and up to age 25.

4. The proposers of the free school are the Rose Road Association. The association was started in 1952 to provide services, especially education, for children with disabilities. The Association founded Rosewood school, as a school for pupils with profound and multiple disabilities. The Association continues to operate the school as one of its key services. They also run a range of other services including overnight short breaks in both residential and fostering settings, domiciliary outreach services, information and support services for families, play schemes and after school activities.

Catchment Area and Admissions

5. There are currently a combined total of 100 places in Southampton for children with physical difficulties and profound and multiple learning difficulties – 31 places at Rosewood (Southampton LA purchase 19 and Hampshire LA purchase 12) and 70 places (plus 6 outreach) at the Cedar Community Special School which is situated approximately 2 miles from Rosewood School. This is 0.003% of pupils that attend a mainstream school in Southampton. The SEN team at Southampton County Council have confirmed that there is an increasing amount of pressure on places at the schools. Forecast demand for school places (in both primary and secondary sector) is due to increase over the next 10 years. Assuming that the proportion of children requiring SEN provision remains at a similar level, the demand for SEN provision is also likely to increase.

Year	Total pupil's mainstream	Cedar plus Rosewood	Proportion
(Actual) Jan-11	26061	89	0.003
(Forecast) Jan-12	26362	90	0.003
(Forecast) Jan-13	27190	93	0.003
(Forecast) Jan-14	27658	94	0.003
(Forecast) Jan-15	28369	97	0.003
(Forecast) Jan-16	29168	100	0.003

6. Cedar School is a small special school primarily for children aged 2-16 who need additional physical care. The range of abilities is extremely wide and includes students with physical and sensory difficulties and moderate, severe or profound and multiple learning difficulties. Out of 5 children currently in Year 11 at the Cedar School, 3 are likely to access post 16 PD/PMLD provision outside of the local authority. As Rosewood are planning to expand its post -16 provision, it is unlikely to have an impact on the Cedar School.

7. There are currently thirteen pupils placed by Hampshire County Council at Rosewood School. There are maintained special schools in Hampshire that make similar provision. There is pressure, however, for places at Hampshire's maintained special schools which nearly always operate at or near full capacity. Rosewood School, therefore, provides important additional capacity which is helpful to Hampshire County Council in terms of planning school places for pupils with SEN. Hampshire will continue to regard the availability of places at Rosewood School as useful additional capacity in the event that their own schools are full.

8. The high levels forecast and the current pressure on SEN places and the increase in the school population all indicate that there is, and will be, sufficient demand for SEN places in Southampton to justify the existence of 2 providers to support children with physical difficulties. Beyond 2015/16, the school age population, and thus the number of children requiring SEN support are likely to rise even further.

9. Post-16 SEN provision in Southampton is currently oversubscribed. Two students have been placed out of the LA for the next academic year as there are no post-16 places available in the city to meet their needs. If there was additional post-16 provision within Southampton this would have been preferable for these pupils, their parents, and the LA. Rosewood currently admits pupils from age 3, and the majority of pupils stay at the school until they are 19. As a result, the school has little if any capacity to admit children to post-16 education, the majority of those who require support for PD/PMLD would come from the Cedar school. The high level forecasts indicate that there is adequate demand to justify the expansion of post-16 PD/PMLD provision within the city. Rosewood will help remove the necessity of children having to travel to access the specialist provision they require.

The impact assessment only covered special schools in the area and not mainstream provision. Because of the specialist skills required to care for these children and their specific needs, it would be very unlikely that they would attend a mainstream setting.

Section 10 Consultation

10. Academy Trusts are obliged, under section 10 of the Academies Act 2010, to consult with those persons they think are appropriate as to whether the Academy Trust should enter into the Funding Agreement with the Secretary of State. The Department has not issued written guidance to Academy Trusts about the section 10 duty; however, we have drawn proposers' attention to this duty and encouraged them to adopt an approach that suits their individual needs.

11. No direct representations have been received by the Department relating to this consultation. Rosewood's consultation process was designed to meet the statutory requirement as well as raising the profile of the project to attract prospective parents and pupils. The formal consultation began in January and ran for six weeks, concluding in March. Following the formal consultation a report was submitted to the Department.

12. As part of the consultation and using a range of approaches, the Trust sent questionnaires to

Rosewood School Governors
RoseRoad Association Trustee Board
Southampton County Council
Hampshire County Council
Families of current pupils
Rosewood school staff
Trade Union Representatives
The Primary Care Trust
Southampton University Hospital Trust
Health Care Providers
Primary Heads, Secondary Heads and Staff
Local Councillors and Cabinet Members

Publication of notice were placed in the Southern Echo, the Hampshire Chronicle and Southampton Central Library

13. The consultation focused around receiving views on the proposed school. The questionnaire, available on line and paper based, provided specific information about the school. It also explained what a Funding Agreement is and its significance (providing a link to the DfE model Funding Agreement) and specifically asked the following question:

'Do you think that Rosewood Special Free School should enter into a Funding Agreement with the Secretary of State'?

14. The Trust received 35 completed surveys responses, 94.1% of which were positive and 5.9% wanted more information. There were no negative responses. Specific detailed responses were received from Southampton City Council and Hampshire County Council and they strongly support the proposals.

15. Ministers should be aware that the 6 weeks consultation undertaken by the Academy was based on the mainstream model Funding Agreement as the Special Schools model was not published at that time. This means that those consulted will not have been able to consider the few changes inserted into the 2012 model. These changes were set out in [Ian Jacob's] submissions of December 2011 and March 2012.

Changes included the addition of new clauses requiring the Academy Trust to uphold UK democratic values, a new clause that prohibits the teaching of creationism and the expansion of land clauses. Legal advice is that there is a low risk that the Courts might find the consultation undertaken by the Academy Trust insufficient on the above basis.

16. In this case, legal advice is that the consultation undertaken by the Academy Trust is sufficient to allow the Secretary of State to proceed to sign a Funding Agreement with Rosewood Special School should he wish to do so. The view is that the risk of a successful legal challenge of the Secretary of State's decision to enter into a Funding Agreement in light of the consultation carried out is low.

17. As a special school Rosewood is not required to follow the admissions code and admission to the school is through the child's statement of special educational needs. Children and young people are placed at Rosewood by the placement panels of either Southampton or Hampshire LAs. Their Admissions Policy aims to:

Set up good communication strategies with parents, carers, the LA and other agencies so that information is shared efficiently and appropriately

Have admission procedures which ensure that parents and carers are given all appropriate and necessary information about the school and that they have many opportunities to meet the staff who will be dealing with their child.

To ensure that admission is implemented in a way which is appropriate for the child.

To ensure that admission is implemented in a way which is appropriate for the child. Sometimes this means it is part time at first and then gradually increased.

To ensure that by the time admission proceeds staff can confidently meet the child's needs and all the required resources are in place to do so.

18. To conclude, officials consider the likely impact on maintained schools, Academies, FE institutions and other special schools in the area by establishing Rosewood Special Free School as proposed would be negligible. It is considered appropriate, therefore, for the Secretary of State to enter into a Funding Agreement with the Academy Trust based on these conclusions.

