

## **Proposed closure of Torbay Pupil Referral Unit and Re-designation of Torbay School**

**Proposed implementation date – January 1st 2015**

### **Considerations and plans for implementation**

#### **Rationale**

To continue to develop an outstanding educational provision for secondary students across Torbay who require education outside of mainstream schools due to significant social, emotional, behavioural, mental health difficulties or who are at risk of or are excluded from school.

To increase standardisation and integration of systems and processes to create a continuum of high quality educational provision that enables the individual needs of students to be identified and met.

To work with an increasingly multi agency approach that is supported by the Local Authority and which recognises the complex and wide ranging needs of students unable to achieve in mainstream schools. This includes, but is not limited to, safeguarding and child protection concerns, mental health needs, specific learning and developmental needs, antisocial and criminal behaviour in the community and housing needs.

#### **Context**

Torbay School is a Special School for up to 56 children between the ages of 11 and 16 with a statement (now Education, Health and Care Plan or EHCP) for Social Emotional and Mental Health Difficulties (SEMHD) (prior to Sept 14 Special Educational Needs and Disability reform, known as Behavioural, Emotional and Social Difficulties (BESD) ). It is based in Preston, Paignton, and also operates a number of 1:1 provisions for high and complex need students and is currently in the process of setting up an off-site provision for vulnerable girls. The school is a co-educational provision. However, in its 10 years of operation, it has always had a minimum of 90% boys on roll. As part of its 56 places the school also offers assessment places for students undergoing statutory assessment for SEMHD. Each of these places is individually agreed with the School Services manager for Torbay Council.

Torbay Pupil Referral Unit (TPRU) has undergone significant remodelling in the last 2 years led by the Executive Headteacher and in conjunction with Torbay Council. It now offers up to 74 places of educational provision for students who are at risk of exclusion from mainstream schools or who are excluded from mainstream schools. It also offers education for students from the 6th day of exclusion from school, pending ratification/appeal of decisions. TPRU offers personalised programmes for students who require a far higher teacher student ratio than mainstream schools can offer and works in partnership with the YMCA, South Devon College and all the mainstream secondary schools and academies to provide appropriate education for

## APPENDIX 7

students who cannot access full-time education in mainstream provisions due to their challenging behaviour, social and emotional and mental health needs.

TPRU also provides an assessment provision that enables the Torbay Council chaired Pupil Placement Panel to make informed decisions about the most appropriate placement for students.

TPRU has operated from a variety of buildings in its recent history but currently delivers its KS4 (year 9-11) provision from the Waterside Centre in Paignton and is moving its Assessment Centre work from Polsham to Hillside Learning Centre. This enables a vulnerable girls groups to operate from the Polsham site.

Torbay School currently employs a total of 41 staff. TPRU employs 19 staff. 19 staff employed by Torbay School have contracts that require them to work across both organisations. All of these staff hold Torbay Council contracts of employment.

### **The journey so far**

This proposal requires the closure of TPRU and the redesignation of Torbay School. However, it should be noted that this proposal is in effect a “merger” of two organisations where all the employees remain employed by Torbay Council (the term “merger” will be used in this document to reflect the outcome of the above while recognising the facts).

However, because it is crucial for the Leadership and Governance of Torbay School and the Local Authority to maintain the continued development and improvement of the school it is essential that the school retains its existing Department for Education number. This was also agreed to be the best way to proceed with Her Majesty Inspector who is working with the school on its journey to “Good and outstanding” and I also understand this was agreed with the DFE as the most effective and efficient way to move these two organisations forward.

The current Executive Headteacher of Torbay School and Torbay PRU was appointed in January 2012 with a brief of aligning both provisions so that they could become one organisation in the future. This has required significant work and the current consultation is the culmination of three years of improvement work in both organisations. Ofsted recognised this after their inspections of both organisations in November 2013 and appointed one HMI to work across both centres to support the ongoing work of bringing the two organisations together.

Torbay School and TPRU now work very closely together. As already stated, the Executive Headteacher works across both organisations, as does the School Business Manager. Catering, IT support, cleaning and premises management are also managed and operate across the two organisations. All contracts of new staff since September 2013 have stated that the requirement to work across both organisations may be required in the future and clarity to the close working relationship has been provided during recruitment processes.

## APPENDIX 7

The chair of Torbay Governing Body took over the chair of TPRU management committee in November 2013 in a deliberate move to continue the alignment of both provisions. During the last year policy and practice has been developed across both organisations and IT systems, behaviour management systems, data tracking and management systems, exams administration, shared commissioning, health and safety and building and services shared procurement has further joined up the two provisions.

The proposals in this consultation will cement this joined up working and ensure that the improvement in standards and outcomes in both provisions would continue and be underpinned by a well-established leadership and management team.

Changes as a result of the proposed closure of the TPRU and redesignation of Torbay School.

1. Staff contracts would remain the same with Torbay Council. Staff could be required to work across any part of the new single organisation. Existing contracts already state that staff can be required to work at different sites.
2. The TPRU Management Committee would cease to operate and full governance would be the responsibility of Torbay School Governing Body. This Governing Body would be reconstituted as detailed in Appendix 1. It should be noted that in the Ofsted inspection Torbay School Governing Body was judged to be good. An external report was required into the governance of the TPRU and the findings of this made strong recommendations that significant changes needed to take place to ensure the group was fit for purpose. This included changes of membership. The newly reconstituted Governing Body would appoint agreed members of the Management Committee to reflect the need for mainstream school and academy representatives to be part of this governance.
3. Admissions processes for each organisation would remain the same as they are currently. However, once part of the organisation, a variety of settings and group sizes will enable provision to be more specifically personalised to meet the needs of individual learners. It is envisaged that a student on the roll of the school would be able to access learning in a variety of locations that best meets their need and the need of other students. (For example, when a student has a conflict with another student, a period of cooling off could be achieved by moving one student to another site prior to mediation and restorative work with both individuals enabling them to work in the same building.)

**Implementation from Sept 14 - January 2015. (pending outcome of consultation)**

As outlined above significant work has already taken place to enable the potential merger of the two organisations to be a smooth and seamless process.

Communication prior to and throughout the consultation period has been conducted with all staff of both organisations and both governing bodies. This has been done in writing, in formal staff meetings, in small group question and answer sessions, in offers of one to one meetings and has included trade union representatives at all stages.

All employment issues have been considered with Human Resources, Payroll and Pensions, in consultation with trade union representatives of all staff.

Letters sent to all parents/carers informing them of the consultation, inviting them to respond and explaining the rationale for the proposals.

The community has been informed through statutory notices displayed outside each site, press releases and community engagement events at Torbay School.

There are no contractual changes, no impact on pensions, no TUPE considerations as all staff remain employed by Torbay Council, no redundancies as all staff remain in current posts and no additional capital or building requirements (over and above planned expansion into Torquay that is already underway). The only change from a Human Resources perspective is that post titles and staff employment numbers would change. Torbay Council are prepared for this work.

The other key change is that the budgets would be amalgamated for the remaining period of the financial year 14/15. Numerous discussions on how the funding formula will be developed in future years to reflect the changing nature and work of the organisation are underway with officers. There is no additional cost of either existing provision as a result of this “merger”.

Contracts currently held by the TPRU would transfer to Torbay School - eg photocopiers, cleaning and maintenance. Much of this work has already been centralised.

Please note that all the alignment work up to the date of the decision to proceed with the “merger” are actions that would happen irrespective of the final decision and are part of aligning two organisations under one leadership and management team, work that was begun in 2012 by the Local Authority in the appointment of an Executive Headteacher across both provisions. Any actions required for the full “merger” would not be implemented until after the proposal is confirmed by Full Council and receives approval from the Mayor.

## APPENDIX 7

### **Summary of actions post approval**

- Agree remainder of TPRU budget to transfer to Torbay School. Already agreed with Torbay Council Children Finance department that there is no change to staff or cost base. 10/6/2014
- Revise MIS system merge with Scomis Reviewed - £730. 10/1/2014 - this will merge student and staff data bases.
- Letter to suppliers re change to Torbay School
- Letter re external contracts - no issue as paid BACS by Torbay Council so no change from suppliers view
- Formal accounts closure as at 31st December 2014.
- New contracts will be issued under the name of Torbay School - HR have been requested to check whether Devon conditions still apply on a small number of staff that transferred from Devon when TPRU started - this ongoing
- Revise budget structure for April 2015.

### **James Evans**

Executive Headteacher.

Torbay School and Torbay Pupil Referral Unit

14th November 2014.

**Appendix One.**

**Proposed Governance arrangements. Reconstitution of the Torbay School Governing Body. Chair of Torbay School Governing Body and Torbay PRU Management Committee, Iris Butler.**

If it is agreed to amalgamate the Torbay Pupil Referral Unit (PRU) with Torbay School, it will be necessary to reconstitute the Governing Body of the Torbay School. The reconstitution will be in line with the requirements of the Department for Education publication “The Constitution of Governing Bodies of Maintained Schools” issued in May 2014.

Members of the Governing Body of the Torbay School and members of the Management Committee of the PRU have undertaken a skills audit in the last twelve months. Having reviewed the skills, knowledge and experience of the Governors/Management Committee members and the needs of the reconstituted Governing Body, it is proposed that the following Governors from the Torbay School are retained:

Iris Butler	Co-opted Governor	(Chair)
Philip Gregory	Co-opted Governor	(Vice-Chair)
James Evans	Headteacher	
Michelle Jones-Stephens	Parent Governor	
Dr John Broomhall	LA Governor	
Angela Tucker	Co-opted Governor	
Julie Shears	Staff Governor	

It is also proposed that two members of the PRU Management Committee be appointed to the Torbay School Governing Body - namely:

Glyn Penrice	Co-opted Governor
Claire Terry	Co-opted Governor

Two new Governors will be appointed - a second Parent Governor and a further Co-opted Governor. This will ensure the Governing Body has the relevant skills and experience necessary to be effective in our role of providing strategic leadership, holding the Executive Headteacher to account and making certain that the School’s finances and resources are well managed.

The following Committee structure will be put in place from 1<sup>st</sup> January 2015, with the full Governing Body and sub-committees meeting as follows:

Full Governing Body	6 meetings each academic year
Raising Achievement Committee	6 meetings each academic year
Behaviour and Safeguarding Committee	3 meetings each academic year

APPENDIX 7

Finance and Premises Committee  
Personnel Committee

3 meetings each academic year  
3 meetings each academic year