

Item No.	Classification: Open	Date: 4 th November 2003	MEETING NAME Executive
Report title:		Future Of Guys Evelina Hospital School (GEHS)	
Ward(s) or groups affected:		All	
From:		Strategic Director of Education and Culture (Acting)	

RECOMMENDATIONS

- 1 That formal consultation proceed in relation to the proposal to relocate Guys Hospital School to the new Evelina Children's Hospital in Lambeth, with Southwark continuing to maintain the school (Option 1).

BACKGROUND INFORMATION

- 2 In the Autumn 2004, Guy's and St Thomas's Hospital Trust will transfer their children's in-patient services from Guys Hospital to the Evelina Children's Hospital, which is currently under construction on the site of the St Thomas's Hospital in Lambeth. The Evelina will contain an area designed as a hospital school, which should be ready for occupancy by 1st September 2004. The space in Guys Hospital currently occupied by Guys Evelina Hospital School will therefore close at the end of the Summer Term 2004. The Snowsfield and Bloomfield Psychiatric Clinics are managed by the South London and Maudsley NHS Trust and will remain at Guys. Children and young people attending these two clinics currently receive tuition from the hospital school. These timescales are of course subject to the successful completion on time of the building construction.
- 3 Since the new location will be in the Borough of Lambeth, there are two possible options for the future management of the school:
 - Option 1: the school relocates to St Thomas's and continues to be maintained by Southwark.
 - Option 2: the school is closed by Southwark and then opened at St Thomas's and maintained by Lambeth.
- 4 Guys Evelina Hospital school is designated a special school and is situated in Guy's Hospital in Southwark. The School was established in 1949 and has become an integral and valued element in provision for children and young people at Guy's Hospital. It has been inspected by OFSTED twice, in 1997 and 2001, and received excellent reports on both occasions.
- 5 The school makes provision in accordance with the Statutory requirements for the Education of children and young people with medical needs (Section 19 of the Education Act 1996). This requires each LEA to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

- 6 The school makes 4 strands of provision:
- i) Up to 40 children aged 2 to 19 who are either in-patients at Guys Hospital or who attend daily and receive tuition in the hospital. Children receive education from the first day of their admission to the wards and they are taught in the school rooms alongside the wards. The children are a mixture of Southwark children and children from other LEAs. Tuition costs for non-Southwark children are recouped from other LEAs.
 - ii) Tuition for children and young people with mental health problems attending the Snowsfield Clinic. About 12 young people attend the Snowsfield Adolescent Psychiatric Unit. These young people are a mixture of Southwark and other borough residents. They are provided with daily tuition by two teachers from the school.
 - iii) Part time tuition is also provided for between 6 and 10 young people with mental health problems attending the Bloomfield Clinic. These are all Southwark young people. Although teaching sessions for the Bloomfield and Snowsfield Clinics have been identified as separate strands of service for the purposes of this report, the same staff are involved and several young people attending the Bloomfield Clinic move on to attend the Snowsfield Clinic and vice versa.
 - iv) Up to 20 Southwark children a year requiring tuition at home because they are medically unfit for school. The home tuition service is delivered flexibly to enable some pupils to receive their tuition in the school rather than at home.
- 7 The school currently budgets for 7.3 fte teachers (including the Headteacher), 3.1 fte classroom assistants and 1.1 fte admin staff. In addition, the school commissions up to 2.0 fte experienced supply teachers to provide home tuition for children unfit to attend school because of medical reasons.
- 8 St Thomas' Hospital has a general 18 bed paediatric ward (Helen ward) for those children admitted through the hospital's Accident & Emergency Department. (Where the children require specialist treatment they are transferred to Guys). Most of the children on the Helen ward are from Southwark and Lambeth. They are provided with tuition in the mornings by a teacher from the Kings Hospital tuition service maintained by Lambeth. This teacher has a split time allocation of 0.5fte for home tuition and 0.5 fte for tuition of children in-patients at St Thomas's. The St Thomas in-patients will move to the new Evelina Children's Hospital as well as the children from Guys. The costs of tuition of Southwark children attending St Thomas's are currently recouped by Lambeth.
- 9 The new hospital will have 120 beds compared with 108 presently provided at Guys and St Thomas's (only 18 of which are in St Thomas'). There are a further 20 beds in paediatric intensive care, which is 4 more than are currently at Guys paediatric department. There will therefore be an increase in the number of children potentially requiring tuition.

- 10 Initial plans for the new children's hospital (The Evelina) at St Thomas's were proposed in 1998. GEHS and its governors have since been involved in the planning and design of the new school which will be incorporated in the new hospital. Building work on the new hospital and school commenced in 2002 and completion is expected in May 2004. The NHS Trust has advised that there is a three-month commissioning period in which time the building contractors will ensure that everything is in working order. Therefore, the move to the new hospital will be contingent upon the building being ready for occupation, and it is likely to occur in the late Summer or Autumn 2004.
- 11 Since March 2003 there have been several meetings between officers of Lambeth and Southwark Borough Councils to discuss options for the future of the school. They have agreed that there are two broad options for the future management of the school. It is acknowledged that there are possible variations within each option.

KEY ISSUES FOR CONSIDERATION

- 12 Guys Evelina Hospital School cannot remain in its current location in Guys Hospital beyond the Summer Term 2004 when the children's hospital transfers to the Evelina Hospital at St Thomas's. Members will need to consider the implications of the two options:-
- (1) Southwark formally relocates the school to the St Thomas's site and continues to maintain it as a Southwark Special School.
 - (2) Southwark closes the school on 31st August 2004 and Lambeth opens a new hospital school on the St Thomas's site on 1st September 2004.
- 13 Whichever option is agreed, the LEA must undertake the statutory process provided for in the School Standards and Framework Act 1998.

OPTION 1: Southwark formally relocates the school to the St Thomas's site and continues to maintain it as a Southwark Special School.

Policy Implications

- 14 The Education Act 1996 allows a LEA to maintain educational provision that is located in another borough. Southwark already maintains Orchard Lodge School in Bromley and the Maudsley and Bethlem Hospital School in Bromley. Lambeth maintains St John the Divine Primary School situated in Southwark.
- 15 There is no natural community that is served by GEHS since the children are admitted to Guys Hospital from anywhere in the UK. It could be argued therefore that it is of little significance to the local community which LEA maintains the school. Nevertheless, there is benefit to Southwark LEA of continued association with such a successful hospital school, particularly in terms of the corporate priority to raise educational achievement.

- 16 This proposal is not referred to in the School Organisation Plan. As a hospital school is very different from other maintained schools and depends on the unique needs of those children who are admitted to the hospital, the usual place planning, class size, parental preference principles of a School Organisation Plan do not or are difficult to apply. However, the proposal is in accordance with a number of the planning principles contained in the Plan, for example:-
- All schools are encouraged to become centres of excellence;
 - Expansion of high performing and popular schools;
 - Ensuring a network of accessible local schools is provided;
 - Primary schools and other early years providers have a significant role in contributing to the Council's Early Years Development and Childcare Plan.

Effect of proposed changes on those affected

- 17 The provision of tuition for Southwark children and young people attending Evelina Children's Hospital will not change. This will provide continuity and stability for the children at a time of great change, particularly for those children who are long-term patients and pupils. The one exception to this will be that children from St Thomas' will receive tuition from the school. This will be an increase in what they receive now and will be more structured.
- 18 However, Lambeth have indicated that, under option 1, there may be different ways it might consider providing for Lambeth pupils. They have not ruled out the possibility of providing a separate hospital tuition service for Lambeth children in the new Evelina Hospital. The implications of this for Southwark, both educationally and in terms of resources, would need to be carefully considered.
- 19 The provision of tuition for children and young people attending the Snowfields and Bloomfield Clinics remaining at Guys would continue to be made by the GEHS as at present, but managed from the Evelina site. The distance between the two sites is approximately 1½ miles. The hospital runs a shuttle bus service for staff working across the St Thomas's and Guys Hospital buildings. The shuttle operates from 7.00am until 10.30pm. At peak times it runs every 15 minutes with a journey time of about 10 minutes. The distance between St Thomas's and Guys should not therefore provide a barrier to effective management of teaching services to the Snowfield and Bloomfield Clinics. Young people attending the clinics would benefit from the continuity of teaching input and management from experienced GEHS staff.
- 20 The provision of home tuition for children with medical needs would continue to be made by GEHS as at present and this would again have the advantage of continuity and flexibility of a well-established service.
- 21 The transfer to the new site will have little, if any, effect on journeys and on accessibility. The sites are close and there are good public transport links.

- 22 The move to the new building is expected to provide better and more modern teaching and learning environment, and it has provided the school with the opportunity to acquire new and up-to-date equipment. The inclusion of pupils from St Thomas', many of whom are Southwark residents, will mean that they are provided with good quality educational provision during their stay in hospital.
- 23 The continued maintenance of the school by Southwark will mean that the staff and Governors, and therefore the pupils and the Hospital, have continuity and stability of management, contacts, policies and procedures, at a time when the school will be undergoing a period of significant change.

Resource Implications

- 24 Since the new children's hospital will combine in-patient facilities from Guys and St Thomas's, it is expected that there will be an increase in the number of children requiring tuition. However, it is not anticipated that the numbers of Lambeth pupils being served by the school will increase substantially as a result of the school being located within the borough, as the general cohort of the hospital is not expected to change.
- 25 Pupils attending GEHS over the last 2 years.

Guys Evelina Hospital School	01/09/01 to 31/08/02	01/09/02 to 31/08/03
Total Southwark pupils	61	35
Total Lambeth pupils	38	36
Total pupils from other boroughs / counties	408	410
TOTAL	507	481

Snowsfield Adolescent Unit	2001/2002	2002/2003
Total Southwark Pupils	19	12
Total pupils from other Boroughs	36	42
TOTAL	55	54

- 26 Number of days children attended Guys and St Thomas's as in-patients over 2 years

	Guys Hospital		St Thomas's Hospital	
	In-patient days (01/09/01 to 31/08/03)	% of total days	In-patient days (01/09/01 to 31/08/03))	% of total days
Southwark residents	2529	12.4%	2977	41%
Lambeth residents	1445	7%	2370	33%
Other boroughs	16456	80.6%	1915	26%
Total	20430	100%	7262	100%

Total in-patient days in both hospitals = 27,692 (average per year = **13,846**)
 Total beds in both hospitals = **108**. On average each bed generates **128.2** in-patient days

Total beds planned for the new Evelina Hospital = **120**

Extrapolating from the number of in-patient days associated with 108 beds we estimate that the Evelina hospital's 120 beds will generate **15,384** in-patient days.

- 27 Number of days children received tuition at Guys and St Thomas's over 2 years

	Guys Hospital		St Thomas's Hospital	
	Tuition days 2001 to 2003	% of total days	Tuition days 2001 to 2003	% of total days
Southwark residents	1136	22%	244	Not known
Lambeth residents	517	10%	Not known	Not known
Other boroughs	3499	68%	Not known	Not known
Total	5152	100%	Not known	Not known

From the above two tables it is estimated that about **25%** of in-patient days are associated with tuition from the hospital school.

Thus if the new hospital school generates **15,384** in-patient days, and if Lambeth are agreeable to the GEHS providing tuition to Lambeth pupils in the Evelina then the estimated number of tuition days that will be needed is **3846**.

- 28 The school's budget share for 2003/2004 is based on a planned place element of 35. This equates to 6650 tuition days. Planning the deployment of teachers in a hospital school setting is complex due to the unpredictable daily demand for tuition in terms of numbers, ages and needs of the children. Staffing levels should reflect the need to be flexible to meet the range of demand. DfES and NHS guidelines refer to a teacher pupil ratio of 1:6 as being common practice in hospital schools. A ratio of 1:4 is common in settings where pupils with mental health needs are given tuition. GEHS have been and will continue to provide education to the full range of pupils including those with mental health problems. It is therefore proposed that the school works initially on a ratio of 1 teacher to 5 pupils. Based on this ratio the predicted teaching establishment for the relocated GEHS would be 7 teachers. The GEHS currently employs 7.3fte teachers, some of whom are on temporary contracts. It is planned to reduce the establishment of teachers to 7.0 fte (including the Head). This reduction can be made from the natural termination of temporary contracts.
- 29 If however, Lambeth chooses to make its own provision for Lambeth children attending the Evelina Hospital then there would be significant implications for Southwark in terms of raising the cost of tuition for Southwark pupils and recoupage from other boroughs. Further work would be necessary to analyse the implications of this.

- 30 The costs of the GEHS for the current and past two years are as follows:

	2001 / 2002	2002 / 2003	2003 / 2004
School budget share	£394,285	£415,559	£415,438
Recoupment claims	£354,599	£318,968	
Total cost to Southwark	£39,686	£96,631	
Cost to Southwark per tuition day	£109	£125	

- 31 The cost of removal from Guys to St Thomas's will be borne by the Guys and St Thomas's Hospital Trust, while the costs of furnishing and equipping the new school site would need to be met from the LEA. In this case, the school has, through fundraising and planned savings, set aside a sum of £130,000 for this purpose. This will cover the set up costs of the new school.
- 32 There has been a long-standing informal agreement that the Hospital Trust does not charge any rent for the space used by GEHS at Guys Hospital. In return, the LEA makes no charge to the Hospital Trust for the tuition provided in the hospital. The Hospital Trust is in agreement with this arrangement continuing once the school is relocated at the Evelina Hospital. However, the arrangement will in future need to be formalised by a written agreement.

Consultation

- 33 Representatives of Guys Hospital Trust, the school's Headteacher, the Chair of the Governing Body and Lambeth have been fully engaged in discussions on various options since March 2003. No-one opposes the move to the new site.
- 34 The Hospital Trust, the Governing Body and the staff at the school have all expressed a clear preference for Southwark to maintain control of the school at least until it has become established in the new site and all implications of a possible change of LEA control have been fully explored. The staff and the Governing Body consider that they have a long-standing good relationship with Southwark, and can see no reason for change. A letter from the Chief Executive of the Trust is attached to this Report.
- 35 A first draft of these proposals was discussed with officers from Lambeth on 14th October 2003. At that meeting Lambeth were not able to give any indication of their position concerning the proposals or how they would proceed operationally under each option. At this stage therefore Lambeth LEA's likely response to future consultation is unknown.

OPTION 2: Southwark closes the school and Lambeth immediately re-opens the school on the new site

Policy Implications

- 36 The legislation does not provide for the transfer of a school from one LEA to another. The transfer of control to Lambeth can only be achieved through Southwark closing the school and Lambeth opening a new school. This has significant implications for the transfer of staff, operations and assets, as well as possible implications for the Council's corporate priority.
- 37 This option is not in accordance with the principles of the School Organisation Plan, and is therefore outside of the Council's Budget and Policy Framework. Any decisions, other than those reserved to the School Organisation Committee, would have to be taken by Council Assembly.

Effect of proposed changes on those affected

- 38 A change in the maintaining authority will invariably result in changes for the school and the provision it makes. Southwark will have no control over this provision. Lambeth has not presented any firm plans to officers and therefore, it is difficult to assess the impact of changes under this option.
- 39 The new school could provide teaching services, as at present, to Southwark children admitted as in-patients to the new Evelina Hospital and pupils attending the Snowsfield Unit. Lambeth would recoup costs from Southwark. As the pupils are a mixture of Southwark and non-Southwark residents, from the perspective of service users, there may be no difference in service delivery. However, the change in the maintaining authority will invariably result in changes for the staff and the school, which would be likely to affect the provision for pupils. This would not be ideal, particularly for long-term patients who require stability and continuity.
- 40 In terms of tuition for pupils attending the Bloomfield Clinic, who are all Southwark residents, there are two possible options. Either the new school could continue to provide tuition as at present, with Lambeth recouping costs from Southwark, or tuition could be provided from an alternative Southwark source such as the Maudsley and Bethlem Hospital School. Clearly the former option has the advantage of continuity of staffing and maintaining the close working relationship between the Snowsfield and Bloomfield Clinics. Further, as the Maudsley and Bethlem School is based approximately 11 Miles away in Beckenham, there will be a detrimental effect on journeys and accessibility, and on the management of the service. There has been initial discussion with the Headteacher of Maudsley and Bethlem School who is willing to explore this possibility should members prefer this option or indeed if Lambeth decides not to provide the service.

- 41 The provision of home tuition for Southwark children with medical needs could be made by the school as at present, with Lambeth recouping costs from Southwark, or it could be made by alternative providers in Southwark. Since the GEHS currently provides home tuition by purchasing supply teachers as and when the demand arises then tuition could equally be provided by staff working from or commissioned by one of the Southwark Pupil Referral Units. If Option 2 is decided then further discussions would need to take place with Lambeth to ascertain in the first instance whether it would be willing to provide the service and then to explore the most cost effective way of delivery.
- 42 This option would require significant operational changes within the education service, GEHS and/or other schools:-
- School staff would be transferred to Lambeth's employ under the TUPE Regulations;
 - Some staff may not transfer if services are not going to be provided by the school to the Snowfield and Bloomfield Clinics. The management will therefore be subject to change, and the services will become fragmented, thereby affecting the quality of staff each service can recruit and the quality, flexibility and cost-effectiveness of the services.
 - the school would be required to change to new procedures, policies and ways of working that match Lambeth LEA's requirements, in a very short time period. The impact of the change is unknown.

Resource Implications

- 43 For a whole 'transfer' the resource implications would be broadly neutral since recoupment expenditure would replace current expenditure on maintaining the school. There could possibly be savings in relation to overheads associated with the running of the school and in recovering income from other LEAs who have pupils at the school. However, these are likely to be minimal as the recoupment formula already allows for a small percentage overhead charge. Nevertheless, because Lambeth has not provided any indication of what their proposal might be, the resource implications are unknown and will take some time to assess fully.

Consideration of the Options

- 44 If either option were pursued then the children in-patients could still receive timely and high quality educational support on site from experienced and skilled staff. However, long term patients in particular would benefit from continuity of staffing and teaching approach. Whilst either Option could provide this continuity, it is more likely to occur under Option 1 which minimises management changes for the staff and governors.

- 45 Under either option young people attending the Bloomfield and Snowsfield Clinics could receive good quality integrated support from the GEHS. However, under Option 2 it would be a decision for Lambeth as to whether or not the school would continue to offer the teaching service to either or both of the clinics remaining at Guys. If the service were not offered then Southwark would need to provide tuition from the Maudsley and Bethlem Hospital school. There would be management and logistical issues arising from the distance between Guys Hospital and the Maudsley and Bethlem School.
- 46 From the Southwark LEA perspective, it could be argued that are several advantages in Option 1. These are:
- that it maintains continuity of services to children and adolescents attending the Bloomfield and Snowsfield clinics
 - that it would avoid the need for complex TUPE other and contractual arrangements between Southwark and Lambeth
 - that it is the preferred option of the Guys and St Thomas's Hospital Trust, current governors and staff
 - that it is cost neutral for Southwark and avoids the need for payment of recoupment to Lambeth
 - that it maintains Southwark's association with a highly successful school and is consistent with the aims of Southwark Borough Council with regard to the provision of high quality alternative education for vulnerable children.
 - that it enables continued flexible delivery of home tuition for pupils with medical needs.
 - That it maintains continuity and consistency of management during a period of significant change for the school when it relocates to the new site.
- 47 The advantages in Option 2 for Southwark.
There appear to be few identifiable advantages at this stage. The transfer of control to Lambeth would reduce the overall management and administrative responsibilities for Southwark LEA.
- 48 It is unusual for a school to 'transfer' between LEAs under these circumstances and the legal implications require careful consideration. In the light of this, members may wish to consider having a longer timescale for implementation of OPTION 2. This would mean Southwark maintaining control over the school in the first instance while it moved into the new location. This would allow time for full consideration and consultation about the implications of school closure and transfer of control to Lambeth.
- 49 On balance the officer recommendation is for Option1. The GEHS is a successful school with a good, effective relationship with Southwark LEA. There is no clearly identified need at this time to change its maintaining Authority.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor & Secretary

- 50 The senior education lawyer has contributed to the main body of this report.
- 51 The relocation of a school is a prescribed alteration under section 31 of the School Standards & Framework 1998 and the Education (Maintained Special Schools) Regulations 1999. The process and the proposed timetable for option 1 are as follows:
- 4th November 2003: Meeting of Executive
 - 5th November 2003: commence formal consultation with local stakeholders, such as the school, parents, adjoining LEAs, the Local Health Authority and Social Services.
 - 16th December 2003: initial consultation period completed
 - 3rd February 2004: Executive considers responses to the consultation
 - 13th February 2004: publication of statutory notice for chosen option
 - 13th April 2004: end of Statutory two month objection period
 - 4th May 2004: Executive can determine the Statutory proposal if there are no objections. Otherwise, the School Organisation Committee is to consider the proposal. If not decided by the SOC then the Adjudicator would make the decision.
 - Summer/Autumn 2004: relocation of the school
- 52 Option 1 possibly involves implications for the position of the 0.5fte staff member employed by Lambeth to provide tuition at St Thomas'. Further information will be required before we are in a position to advise whether TUPE applies and thereafter reach an agreement with Lambeth to avoid any risks to Southwark.
- 53 At present, it appears that Lambeth is only providing part-time education to Southwark children in St Thomas.' Option 1 will ensure that Southwark is complying with its statutory duty under section 19 Education Act 1996, which, when regard is had to the Guidance, requires full-time education to be provided to children who can not attend school because of illness, exclusion or otherwise. However, the requirement for the provision to be full-time may be departed from where there is good reason to do so.
- 54 If Lambeth chooses to make provision in the new hospital that is separate from that provided by the school, and Southwark believes that this is unreasonable, one option for Southwark will be to refer the matter to the Secretary of State under section 496 Education Act 1996.
- 55 For option 2, Southwark will be required to close the school and Lambeth will be required to open it. Both are proposals under section 31 and the Maintained Special Schools Regulations. The process would be similar to that for Option 1. However, Option 2 would take longer. Co-ordination will be needed as concurrent decisions will be required by the Executives and School Organisation Committees in each borough.

- 56 Option 2 will require the transfer of staff from Southwark to Lambeth under the TUPE Regulations. Lambeth has now accepted that the Regulations apply to all staff, including the Headteacher and Deputy Headteacher. Agreement will need to be reached with Lambeth in relation to indemnities and such. This is particularly so given that Lambeth has not been forthcoming with any plans they may have for the future of the staff and services.
- 57 It is the view of the Borough Solicitor & Secretary that there is insufficient information available in relation to Lambeth's plans for Option 2 and therefore, the consequent service, educational, financial, staffing and legal implications are not known. Further, the lack of information about Lambeth's plans and the implications means Southwark cannot conduct a meaningful consultation process in relation to Option 2.
- 58 By choosing option 1, Members are still keeping open the option of later 'transferring' the school to Lambeth. However, this is not a decision that can be made under the school organisation provisions.
- 59 The risk of a challenge to any decision to choose option 1 is minimal. Lambeth could refer the matter to the Secretary of State, or could seek a judicial review. However, this is not likely to be successful. Lambeth's failure, for whatever reason, to provide sufficient information means that Members cannot reasonably proceed with option 2.
- 60 All of the issues will be reviewed upon receiving Lambeth's response to the consultation.

Background papers:	Held at	Contact
OfSTED inspection report on GEHS - May 2001	John Smith House	Bob Ballard
Extract from "Meeting the Educational Needs of Children and Young People in Hospital – A Design Guide 2003" (DfES and NHS Estates on behalf of the Controller of Her Majesty's Stationery Office)	John Smith House	Bob Ballard
Access to Education for Children and Young People with Medical Needs – Overview of DfES Statutory Guidance April 2002 (ref DfES 0025/2002)	John Smith House	Bob Ballard
Lead Officer	Sam Eastop, Acting Strategic Director of Education and Culture	
Report Author	Bob Ballard, Senior Manager Access and Inclusion	
Version	Final	

Dated	24/10/03	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Chief Finance Officer	No	No
<i>List other Officers here</i>		
Executive Member	No	No
Date final report sent to Constitutional Support Services	24/10/03	

APPENDIX

1. Copy of letter from Guys Hospital Trust to Roger Smith **(Not available electronically)**