

Wiltshire Council

Cabinet

14 December 2010

Subject: Review of Special Educational Need (SEN) Provision – Confirmation of Decisions

Cabinet member: Councillor Lionel Grundy – Children’s Services

Key Decision: Yes

Executive Summary

The Council has a statutory responsibility to keep Special Educational Needs (SEN) provision under review. The Joint Area Review (2008) concluded that value for money in relation to SEN provision needed to improve. It is also a priority to close the gap between the achievement of pupils with SEN, and their peers without SEN, particularly for primary aged pupils. The Review has initiated a process of whole system change to address these issues with implementation from September 2011. The Post Consultation Report was considered by Cabinet on 27 July 2010.

Following publication of statutory notices regarding proposals to change SEN provision it is now necessary for Cabinet to confirm whether it still wishes to continue with those proposals in light of the responses to the statutory notices.

Proposal

The Cabinet agree that:-

1. The proposals set out in paragraph 6 concerning the changes to special schools be confirmed.
2. The proposals set out in paragraph 9 concerning the proposed closure of Specialist Learning Centres be confirmed.
3. Officers are requested to implement these decisions.

Reason for Proposals

These proposals, along with the other proposals agreed by Cabinet on 27 July, will initiate the system change needed to improve educational provision and raise the achievement of pupils with SEN. In view of the limited response to the statutory notices there is no reason to refrain from confirming the proposals set out in those notices.

Carolyn Godfrey
Corporate Director, Department for Children and Education

Wiltshire Council

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Subject: Review of Special Educational Need (SEN) Provision – Confirmation of Decisions

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Key Decision: Yes

Purpose of Report

1. To report the outcome of the consultation on the statutory notices that were published subsequent to the decisions of Cabinet on 27 July 2010.
2. To make recommendations for decisions on future provision based on the response to the statutory notices.

Background

3. A public consultation on the Review of Special Educational Needs (SEN) Provision was held from 22 February to 24 May 2010. The outcome of that review was reported to Cabinet on 27 July 2010 where the decision was taken to proceed with all of the recommendations. Subsequently to the meeting statutory notices were prepared and published on 9 September 2010. The final date for responses was 22 October 2010 which allowed the statutory six weeks for this process.
4. The proposals covered by the statutory notices related to changes to the age range and designation of special schools along with the closure of a number of specialist learning centres in primary schools.
5. Cabinet agreed that a statutory notice be issued for closure of the Early Years Provision at St Mary’s Infant School in Marlborough so that it could become part of the Early Years SEN Network, subject to a contractor being engaged to take over the running of the provision. As the process to find a new provider has not yet been concluded it has not yet been possible to publish this statutory notice. It is envisaged that the notice will be published as soon as a provider is engaged to take over this work.

Main consideration for the Council

6. The changes to the Wiltshire Special Schools are set out in the table below. They would take effect from 1 September 2011 if confirmed.

WILTSHIRE SPECIAL SCHOOL AGE RANGES, DESIGNATIONS AND CAPACITY

Name of School Current Designation (DCSF Website)	Current Age range & Sex	Current DCSF Capacit y	Residential/ Day	Proposed Designation	Proposed Age Range & Sex	Proposed capacity	Residential/ Day
Downland EBD + SpLD	11-16 Boys	63	Boarding & Day	BESD	11-16 Boys	70	Day and 22 residential places
Exeter House VI + MLD, SLD, Autism, EBD, delicate medical, PD, SpLD, Sp&Lang	2-19 Mixed	96	Day	ASD/SLD	3-19 Mixed	100	Day
Rowdeford MLD	11-16 Mixed	124	Boarding & Day	ASD/ Complex needs	11-16 Mixed	130	Day and 23 residential places
Larkrise MLD + SLD	4-19 Mixed	78	Day	ASD/SLD	3-19 Mixed	78	Day
Springfields EBD	10-16 Mixed	65	Boarding	ASD/BESD	9-16 Mixed	70	Residential places
St Nicholas SLD	2-19 Mixed	68	Day	ASD/SLD	3-19 Mixed	68	Day
Total		494				516	

7. There have only been two responses about the proposals received during the Statutory Notice period. A letter was concerned with the proposed dual designation for pupils with Autistic Spectrum Disorders (ASD) and pupils with Behaviour, Emotional and Social Difficulties (BESD) at Springfield school. The main points of concern raised in the letter were about different teaching methods for the two groups, the potential for pupils with ASD to become the victims of bullying and that some independent special schools only educated one of these groups of pupils. Springfield School has already invested in staff training and the introduction of approaches appropriate to ASD pupils has also been of benefit to some pupils with BESD. Personalised programmes are in use for many pupils at the school so it is easier to deliver the curriculum in an appropriate way. The last Ofsted inspection graded the school as outstanding and also described the behaviour of pupils as outstanding. There were no references to bullying in the last Ofsted inspection report. Only those pupils that can benefit from the school and are suitable to its internal organisation are admitted. It is clear that the all round quality of the education on offer at Springfield school enables the Council to be confident that appropriate children with ASD or BESD can be educated there. Recently some parents of pupils with ASD have become concerned that their children's successful placements at the

school might not be able to be continued. This is a good example of how parents have become supportive of the education offered at the school to pupils with ASD.

8. An e-mail response was received from Dorset County Council supporting all the proposed changes as they aimed to improve SEN provision in Wiltshire so there was a better match between identified need and available provision.
9. The six statutory notices published regarding the closure of Specialist Learning Centres in primary schools have not generated any responses. The proposals are set out in the table below and would be implemented by 31 August 2011 if confirmed.

SPECIALIST LEARNING CENTRES STATUTORY NOTICES

Name of School	Location	Type of SEN Need	Proposal
Durrington Junior	Durrington	Complex	Close
Harnham Junior	Salisbury	Complex	Close
Mere School	Mere	Complex	Close
Zouch School	Tidworth	Complex	Close
Holy Trinity Primary	Calne	Autism	Close
Manor Primary	Melksham	Complex	Close

10. The closures of the Specialist Learning Centres (SLC's) will enable a more efficient use of resources, as there will be reduction in vacant places and improved clarity in relation to responsibilities for meeting pupils' special educational needs. The resources released would be available for redeployment elsewhere in the SEN budget. The number of places at the SLC for Complex Needs at Manor Fields in Salisbury is being increased so there is enough capacity for the whole primary age range in the Salisbury area.
11. The SLC for Autism at Holy Trinity Primary School in Calne can be relocated to the Manor Primary School in Melksham to make use of the accommodation, staffing and resources released by the proposal to close the SLC for Complex Needs at the school. These two proposals depend on each other so the statutory notices were published as linked notices. If the closure of the Specialist Learning Centre for Complex Needs at the Manor is not confirmed then it will not be possible to transfer the SLC for Autism from Holy Trinity to the Manor.

12. Environmental and climate change considerations

It is possible that some buildings currently used will be closed, and others will extend their capacity within the confines of the current site. It is anticipated that these changes will result in the static carbon footprint decreasing for the SEN service. At this stage it is unclear as to whether the buildings that become unoccupied would be used for other Council purposes and how any alternative uses could impact the overall carbon footprint of the authority. With more children being educated at their local schools journey distances should decrease, lowering the carbon emissions. An assumption is that with more children in local mainstream schools there may be increased need for specialist staff to commute around the county. This may increase the number of business miles claimed. This will be mitigated by ensuring staff follow the authority's green travel guidance. There are no perceived environmental management issues associated with the report. As SEN provision is under constant review, further

consideration does not need to be given to the unavoidable impacts of climate change at this stage.

13. Equalities Impact of the Proposal.

The review proposes a number of changes that together should mean that there will be greater inclusion. This will mean that pupils with SEN will be more likely to be able to attend their local school with appropriate levels of support so reducing the achievement gap and promoting cohesive communities.

Risk Assessment

Risks

14. If it is not decided to proceed with the proposals
- There will be reduced resources to enable the reallocation of funding to correct the imbalance of SEN provision.
 - The SEN budgets of mainstream schools and the budgets of SEN centres will not be enhanced and it will not be possible to provide appropriately for children with high level needs, possibly creating a requirement for expensive out of authority placements.
 - Parents of prospective special school pupils will be confused regarding the type of special needs the school is approved for and the age range and capacity of the school may not reflect the current operational position.
 - More pupils will need to travel.
 - There would not be an opportunity to develop provision and services to enhance pupil progress.
15. If it is decided to proceed with the proposals:
- Some pupils will have changes to their SEN support.
 - Mainstream schools may not be able to further develop their SEN expertise prior to changes in pupil provision.
 - A high enough level of resources might still not be available for some children in the current centres.
 - Where a number of pupils on the roll of the host school for a Centre that closes all have new Statements of SEN and Named Pupil Allowances, this could put a strain on the school budget to provide the school's financial contribution.
 - A few pupils may have to travel further.

Mitigations

16. If it is not decided to proceed with the proposals:
- Schools Forum will have to consider reallocating funding from mainstream school budgets to correct the budget shortfalls in the SEN Centres that remain open, with the effect of disadvantaging a number of pupils in mainstream schools.
 - Some Centres will have to reduce in planned places to reduce the amount of spare capacity and allocated funding. This could reduce the quality and sustainability of provision.
17. If it is decided to proceed with the proposals:

- Each child in an SEN centre that closes will have individual transition arrangements made in conjunction with the parents and the school.
- Schools that relied on advice and support from Specialist Learning Centres will have an additional allocation of time from the Inclusion Support Service to help them further develop their SEN capacity.
- A transitional allowance will be provided for Centres that are closing to allow them time to adjust their budgets. This will enable the school to fund for two years the school's contribution to the funding to support the Statement where a Named Pupil Allowance is in place for a child that was in a Specialist Learning Centre. The aim will be to provide support to enable the child to remain at the school.
- A statutory assessment will be conducted for any pupil on the roll of a Specialist Learning Centre for Complex Needs identified for closure, if there is any doubt about the level of a child's needs and whether a statement of SEN is needed.
- Schools with Specialist Learning Centres that are closing will be provided with additional budget planning advice by Council staff.

Financial Implications

18. Special Schools – there are no financial implications of changing the special school designations and age ranges as the planned places are already funded from within the special school's delegated budgets.
19. Complex Needs Centres – there will be savings arising from the proposed closures of Specialist Learning Centres for complex needs. These are estimated at £392,000, based on 2009/10 costs, in a full year. The transitional arrangements will result in additional costs estimated at £35,200 in the first year to ensure that provision for any additional Named Pupil Allowance does not put pressure on the school budget.
20. Autism Centre – it is anticipated that the additional cost of the Autism Centre at the Manor will be offset by savings from the closure of the Autism Centre at Holy Trinity. A funding model for the Autism, Speech and Language and Complex Needs Centres has been developed and will be considered by School's Forum in time to set the budget for 2011/12. It is recommended that a transitional contingency of £9,000 be retained to fund provision for any pupils who do not transfer to The Manor.
21. Transport costs – There will be no pupils attending SLCs for half days and it is envisaged that this will more than offset any additional costs arising from any children who have to travel to placements in other centres. More effective transport provision as a result of these changes will result in savings to the SEN Transport Budget over time. No significant impact is expected on the cost of adjusting transport capacity to Special Schools. With the exception of transport costs all of the other costs of the financial implications are within the Dedicated Schools Grant (DSG).

Legal Implications

22. If it is decided to change the character of a school, or to open or discontinue a school it is necessary to issue a statutory notice. This must be published in the press, displayed at the school and displayed in a conspicuous place in the area served by the school. A period of six weeks must be allowed for the notices to be in the public domain to ensure that there is time for any interested party to

make a statutory objection. These statutory requirements have been complied with.

- This is an area of reorganisation plan extending in its effect beyond a single county electoral division insofar as it will impact on the delivery of the service to the public and is therefore a key decision (Part 1, paragraph 9 bullet point 4 of the constitution).
- This is therefore a decision of the cabinet. In determining the proposals the cabinet may approve the proposals without modifications, reject the proposals or approve the proposals with such modifications as the authority think desirable (paragraph 31(1) of Part 2 of Schedule 5 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.
- Before modifying any proposals the Cabinet must consult the Governing Body (unless the modifications are proposed by the Governing Body (paragraph 31(2) of Part 2 of Schedule 5 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.
- The most common modification is to the implementation date. However proposals cannot be modified to the extent new proposals are substituted for those that have been consulted upon and published. The proposals should not be modified in a way that would in effect substitute new proposals. This would run the risk of a successful challenge in the Courts.
- All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

Options Considered

23. The outcome of the review of SEN Provision was considered by Cabinet on 27 July and it was decided to progress to statutory notice in respect of all the recommendations for changes to the character of school provision. Consequently Cabinet has to now consider whether it wishes to confirm or not confirm the proposal in the statutory notices that were published in September 2009.

Conclusions

24. The proposals set out in the Statutory Notices should be ratified and then implemented.

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Background Papers:

Report to Cabinet 27 July 2010 – Review of Special Educational Need Provision – Post Consultation Report.

Appendices: none.