

Wiltshire Council

Individual Cabinet Member Delegated Decision

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

Cabinet member: Councillor Lionel Grundy – Children’s Services

March 2011

Purpose of Report

1. To consider the outcome of the consultation on the statutory notice that was published subsequent to the decisions of Cabinet on 27 July 2010.
2. To make recommendations concerning the closure of the Pre-School Specialist Learning Centre at St Mary’s Infant School Marlborough based on the response to the statutory notice.

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. Subsequent to the meeting 12 statutory notices were published on 9 September 2010. The proposals covered by those 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.
4. On 27 July 2010 Cabinet also agreed that a statutory notice be issued for closure of the Pre-School Specialist Learning Centre 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 had not been concluded at that stage it was not possible to publish this statutory notice at that stage. It was published on 13 January 2011 when it was clear that a provider was to be engaged to take over the pre-school SEN work for the area.
5. There has been one response to the statutory notice asking for clarification of a number of points and saying how important that they had felt the provision to be for their child in the past.
6. An e-mail response was previously received from Dorset County Council supporting all the proposed changes in the review as they aimed to improve SEN provision in Wiltshire so there was a better match between identified need and available provision.

7. The closure of the Pre-School Specialist Learning Centre at St Mary's Infant School in Marlborough will enable a more efficient use of resources, as there will be a reduction in vacant places and improved consistency through Wiltshire as a whole in relation to responsibilities for meeting pre-school pupils' special educational needs. The resources released would be available for redeployment elsewhere in the Council's SEN budget.
8. Currently there are only 2 pupils with Statements of SEN on roll and both of them will leave at the end of Summer Term 2011. Historically the number of pupils with statements in the provision has decreased as other types of provision have become more available. Therefore the closure will not displace any pupils with considerable SEN needs. The small number of pupils with very considerable needs on roll in most recent years has meant that it has been difficult to provide a reasonable sized peer group of efficiently utilise resources.
9. The provision for pre-school pupils with SEN in the east of the County will be enhanced by being included in the Wiltshire Early Years Network. Children will be able to have their needs met within a larger peer group in mainstream settings, local to their homes, where they will have access to the full pre-school curriculum. Specialist support will be available by outreach from the District Specialist Centre in Devizes or provision could be made at the Centre itself. Other support arrangements might include Specialist Childminder placement, Portage Service or direct support in the local setting from members of the Early Intervention Team. Provision in the Marlborough area would then be made in the same way as it is for children throughout Wiltshire.

10. **Environmental and climate change considerations**

It is possible that some buildings currently used for SEN purposes will not be needed in the future. 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 settings journey distances should decrease, lowering the carbon emissions. An assumption is that with more children in local mainstream settings 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.

11. **Equalities Impact of the Proposal.**

The closure of this provision 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 pre-school setting with appropriate levels of support so reducing the achievement gap and promoting cohesive communities.

Risk Assessment

Risks

12. 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 might not be enhanced to a full needs led level 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.
 - More pupils will need to travel
 - There would not be an opportunity to develop provision and services to enhance pupil progress.

13. If it is decided to proceed with the proposals:
 - Some pupils will have different SEN support in the future.
 - Mainstream pre-school settings may not be able to further develop their SEN expertise prior to changes in pupil provision.

Mitigations

14. 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 SEN provision with the effect of disadvantaging a number of pupils in mainstream schools.

15. If it is decided to proceed with the proposals:
 - A statutory assessment will be conducted for any pupil on the roll of the Pre-School Provision at St Mary's Infant School, if there is any doubt about the level of the child's needs and whether a Statement of SEN is needed.
 - The school will be provided with additional budget planning advice by Council staff.

Financial Implications

16. There will be savings to the overall schools budget arising from the proposed closure but this money will be used to enhance the funding of other special needs provision in Wiltshire. This sum is estimated at £86,288, based on 2009/10 costs, in a full year. Any costs of alternative provision for pre-school pupils in the future will be met from existing pre-school budgets in the same way as they are in the rest of Wiltshire.

17. Transport costs – There will be no pupils attending the Pre-School Specialist Learning Centre at St Mary's Infants 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.

With the exception of transport costs all of the other financial implications are within the Dedicated Schools Grant (DSG).

Legal Implications

18. 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.
 - In determining the proposals the Cabinet Member 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 Council 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

19. The outcome of the review of SEN Provision was considered by Cabinet on 7 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 the Cabinet Member has to now consider whether he wishes to confirm or not confirm the proposal in the Statutory Notices that were published in September 2009.

Conclusions

20. The proposal set out in the Statutory Notice should be ratified and then implemented.

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

Appendices None.