

CABINET

17 DECEMBER 2013

EXPANSION AT DANECOURT COMMUNITY SPECIAL SCHOOL BY WAY OF PRESCRIBED ALTERATIONS

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

Report from: Barbara Peacock, Director of Children and Adults

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Summary

This report is to request authorisation from Cabinet to commence the statutory process and to proceed to public consultation on the proposals to make prescribed alterations to Danecourt Community Special School, which will result in an increase in the number of pupils and an extension to the range of SEN designations.

1. Budget and policy framework

1.1 The proposals to increase the number of pupils and the range of SEN designations at Danecourt Community Special School are consistent with the provisions of the School Organisation Aims and Principles and the Special Educational Needs Policy and Strategy, both of which are consistent with the Council Plan Priority of 'Children and young people having the best start in life' and is within budget. This is therefore this is a matter for Cabinet.

2. Background

2.1 Danecourt is a community special school, which currently provides education for pupils with Moderate Learning Difficulties (MLD) and Autistic Spectrum Disorder (ASD) between the ages of 2 and 11 who are too complex to be supported within a mainstream setting.

2.2 Following consultation Medway Council published "Special Educational Needs – An Inclusive policy and strategy for Medway 2009 – 2014", which set out the ambition that wherever possible the special educational needs of Medway children should be met so that they are able to learn and achieve in local provision, close to where they live. Generally, provision for children with SEN in Medway is good and children with SEN make good progress. However, the number of children from Medway educated outside local mainstream or maintained special schools is too high, which includes a number of children educated outside the Medway area or in independent provision.

- 2.3 Medway has agreed the principle that the trend to place children out of area or in independent provision should be reversed where possible and aims to educate as many children as possible close to where they live and to reduce the number of children and young people being educated outside of mainstream or local maintained special schools.
- 2.4 Medway is currently experiencing a period of significant demographic growth in the overall number of primary age pupils in Medway. Our mainstream forecasts show an expected increase in primary age pupils in Medway of 10% between 2011 and 2016 (Source: Medway's School Organisation Plan 2011-16) resulting from an increased birth rate and significant amounts of net inward migration to the area.
- 2.5 The increase in the number of primary age pupils with statements requiring specialist provision in Medway is increasing at a quicker and more significant rate. In the last 4 years the number of primary age pupils with statements requiring specialist provision has increased from 281 in 2009 to 526 in 2012, representing an increase of 87%. This growth is a result of a combination of the increase in the number of primary age pupils overall, and also an increase in the proportion of those children with special educational needs.
- 2.6 The following table shows the increase in recent years in the movement of families into Medway with children requiring specialist placements:

	2007	2008	2009	2010	2011	2012
Total number of pupils with Statements moving into Medway	72	73	66	54	73	72
Number of whom have high needs requiring specialist placement	10	15	11	20	56	51

- 2.7 The complexity of needs of the pupils attending Danecourt is increasing, as recognised in the latest Ofsted report, which states, "Originally designated as a school for pupils with moderate learning difficulties, Danecourt is now increasingly catering for pupils with severe learning difficulties and more complex needs, including speech, language and communication needs".
- 2.8 The overall impact is that the number of pupils attending Danecourt has increased in recent years, with only limited expansion of accommodation. Danecourt School allowed the council to increase places at the school from 125 in 2010 to 137 in 2012. The school is now at capacity and no longer has space for primary pupils with complex MLD who either move into the Medway area, or require placement in year from mainstream schools.
- 2.9 Pre-school pupils requiring specialist provision over the past two years (2011 and 2012) have averaged 44 per year representing a significant increase in number prior to 2011, when an average of 20-23 pre school pupils per year required specialist placement. Of the 44 (per year) (2011/2012) an average of 22 pupils require placement at Danecourt Primary.

3. The Proposals

3.1 The proposals are, by way of prescribed alterations:

- 1) To increase the number of pupils for whom the school can make provision. There will be an increase in the numbers that attend the school by up to 40 pupils, enabling more pupils to be placed at Danecourt where it is the most appropriate provision, and thereby reducing the number of pupils needing to be placed outside of Medway.
- 2) To increase the range of SEN designation by adding SLD (Severe Learning Difficulties) to the schools current range of provision. This will enable the school to provide suitable education for those children with needs more complex than their current designation allows.

3.2 The proposals will be implemented on or before 1 September 2015.

3.3 This report concentrates on the statutory requirements The Council is responsible for. The proposals for the physical building expansion project at Danecourt School will follow the council's procurement processes and will be presented to Cabinet for the approval at the appropriate time.

4. Options

4.1 The options are:

- a) To consult on the proposals to make prescribed alterations to Danecourt Community Special School to change the categories of SEN provision, and to increase the numbers of pupils, for the reasons set out in the Advice and analysis paragraph in section 5 of this report. Or
- b) Not to approve the consultation period and to continue the current provision, which will restrict the options available to the council when placing pupils in provision appropriate for their needs, and which will mean that some pupils will continue to be placed out of area.

5. Advice and analysis

5.1 It is expected that as a result of these proposals that there will be an increase in provision at Danecourt by up to a maximum of 40 pupils with Moderate Learning Difficulties, Severe Learning Difficulties, and ASD needs in the overall numbers provided for. None of the pupils currently attending the school will be displaced, and it is also expected that as a result of this change that there will be a positive impact on the outcomes of those pupils who attend the school. Increasing the number of pupils will give greater flexibility in placing students, especially those on the autistic spectrum. It will also increase parental choice as the existing categories within the special schools preclude parents choosing one school over another.

5.2 There will be an increase in the number of staff engaged at the school required to provide appropriate specialist knowledge, expertise and support to cover the expected increase in numbers to provide a full curriculum.

5.3 The proposals will enable Medway Council to offer places to pupils with a wider range of needs, previously placed out of area or in independent provision. This will generate a cost saving and, more importantly, will lead to better overall control of the coordination of SEN provision, not only within Danecourt itself but across Medway. It will also ensure that the council is in a stronger position to

monitor the quality of the delivery of the provision. This in turn will improve the outcomes for children according to their individual needs by:

- providing settings with skilled staff able to provide high quality teaching, with access to specialist help, support and guidance;
- giving greater access to an early years Foundation Stage curriculum that addresses learning needs at an earlier stage;
- by enabling closer ties between education professionals and parents/carers taking into account the views of individual parents/carers in respect of their child's particular needs.

5.4 'Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014' includes the following fundamental principles for SEN in Medway, which these proposals take into account and aim to fulfil:

- a child with special educational needs should have their needs met;
- children's needs will be met in an appropriate provision;
- parents and carers have a vital role to play in supporting their child's education;
- children with special educational needs deserve full access to a broad, balanced and relevant curriculum with clear post 16 progression routes and options

5.5 Further benefits of these proposals mean that pupils could remain local to their homes, which means being closer to their families, giving the opportunity for the pupils to feel better integrated into their community.

5.6 The proposals will also increase diversity and choice across Medway's special educational provision by offering more places to a wider base of pupils with a wider range of need, promoting equality of opportunity for vulnerable pupils.

6. Diversity Impact Assessment

6.1 A Diversity Impact Assessment screening form will be completed following the consultation period and will accompany the Outcomes of Consultation report, which will be presented to Cabinet in June/July 2014.

7. Impact of the proposal on arrangements for looked after children

7.1 It is essential that children with special educational needs are placed quickly into appropriate provision, and this is particularly true for looked after children with special educational needs, as they will often have experienced disruption and uncertainty. Some of the pressure on Medway provision comes from the placement of looked after children in Medway by other local authorities.

8. Risk Management

8.1 The following risks arise if the recommendations in this report are not implemented. These are principally:

- A risk that without the additional provision which will be provided as a result of this prescribed alteration, Medway will have to continue to place some pupils out of area at considerable cost.
- A risk that it could undermine the Council's need to ensure the most effective use of resources, and in turn raise standards across all schools.

8.2 The Council has both a moral and statutory duty to promote high standards and to ensure the sustained viability of its schools.

9. Consultation

- 9.1 There have already been informal discussions with the headteacher at the school on this matter, who is supportive of these proposals.
- 9.2 To make prescribed alterations as described in the proposals there is a requirement to follow a statutory process and to conduct a public consultation where the views of all interested parties can be expressed, and all views will be taken into consideration before moving to statutory representation.
- 9.3 The indicative timeline for the statutory process is as follows;
- a) Cabinet approval of informal consultation period – 17 December 2013
 - b) 6 week consultation period – 24 February 2014 to 6 April 2014
 - c) Children and Young People Overview and Scrutiny Committee with outcomes of consultation – May /June 2014
 - d) Cabinet with outcomes of consultation and approval to proceed to publication of statutory notices (representation period) – June/July 2014
 - e) Representation period – 15 September 2014 to 26 October 2014
 - f) Determination by Director of Children and Adults in consultation with the Portfolio Holder for Children Services if no objections received during representation period – November/December 2014
 - g) Cabinet for decision if objections received during representation period – December 2014
 - h) Implementation – 1 September 2015.

10. Financial and legal implications

- 10.1 This project would be funded through the government's Targeted Basic Need Programme. A sum of £1,225,722 has been granted under this funding scheme to provide the additional 40 places. Any financial requirement over this level would need to be funded from the Children and Adults capital programme, but preliminary estimates suggest that the project can be delivered within this cash envelope.
- 10.2 Targeted Basic Need funding allocations are provided with the agreement that the local authority will deliver additional places by no later than September 2015. Because of delays from the EFA confirming the allocation of funding, this makes the timeframe for delivery of the project very tight.
- 10.3 There is a risk that under the terms of the Targeted Basic Need Programme should the project fail to deliver the additional places to time the Education Funding Agency (EFA) could recall some or all of the funding.
- 10.4 The availability of this funding provides an opportunity to develop additional SEN provision in Medway that would not otherwise have been possible at this time.
- 10.5 Under current arrangements some pupils who live within Medway are placed in alternative schools outside of the Local Authority due to lack of appropriate provision in Medway. Increasing the number of pupils provided for as proposed, gives the opportunity to reduce the number of pupils sent out of area, and provides a significant cost saving, which can then be invested in Medway's special schools to further improve quantity and quality of provision.

- 10.6 The cost of residential placements (including transport) currently ranges from £100,000 - £182,000, and the cost of day placements (including transport) ranges from £65,000 – £67,000. Not all pupils currently placed out of area would be able to have their needs met at the proposed expanded Danecourt provision, and where this is the case they will continue to be placed in the most appropriate setting, however it is expected that some could. Any new pupils with this level of need could be accommodated here as appropriate.
- 10.7 The Council has the power under sections 18 and 19 of the Education and Inspections Act 2006 to make “prescribed alterations” to a maintained school. The procedure for making prescribed alterations is set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. Before publishing a statutory notice relating to proposals to make prescribed alterations to a school, the council must undertake the consultation required by Schedule 5 of these regulations.

11. Recommendations

- 11.1 The Cabinet is recommended to instruct the Director of Children and Adults to commence the period of public consultation to allow views to be expressed on the proposal to make prescribed alterations to Danecourt Community Special School, which would result in an increase in the number of pupils provided for and a change to the types of SEN provided for, on or before 1 September 2015.

12. Suggested reasons for decision

- 12.1 The Council is required to consult on the proposals in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

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Background papers

Medway's School Organisation Plan 2011 - 2016

<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016%20revised.pdf>

Making changes to a Maintained Mainstream School (A guide for Local Authorities and Governing Bodies).

<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-30002-2010>

Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014

<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?lId=4073>

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

<http://www.legislation.gov.uk/ukxi/2007/1289/schedule/4/made>