

Officer Executive Decisions

Determination of the proposals to make prescribed alterations to Danecourt Special School

Delegation from Leader and Cabinet and date:

Under decision 123/2014, the Cabinet agreed to delegate authority to the Director of Children and Adult Services in consultation with the Portfolio Holder for Children's Services to determine whether to approve the proposals if no objections were received during the statutory representation period.

Decision:

To approve the proposals to expand and expand the SEN designation at Danecourt Special School (see attached report).

Reasons for Decision:

- To deliver a minimum of 40 additional primary phase places to meet anticipated demand
- To enable a reduction in the number of children who would otherwise need to be placed in expensive independent and out of area provision
- To enable Danecourt Special School to provide suitable education dependent upon the specific needs of the pupil.

Date of Decision:

2 December 2014

Officer:

Barbara Peacock – Director of Children and Adult Services – 01634 331011
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Details of any other options considered and rejected:

1. Not to approve the decision

Conflicts of Interest:

None

Background papers

- 1) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. <http://www.legislation.gov.uk/uksi/2007/1289/schedule/4/made>
- 2) Medway's School Organisation Plan 2011 - 2016
<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016%20revised.pdf>
- 3) Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014
<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?Id=4073>
- 4) Determination report – attached

REPORT TO DIRECTOR OF CHILDREN AND ADULT SERVICES

2 December 2014

Decision to make prescribed alterations to Danecourt Special School.

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

Report from: Chris McKenzie, Head of Performance and Strategic Planning

Author: Paul Clarke, School Organisation and Capital Programme Manager

Summary

This report is to request the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children's Services, to determine whether to approve the proposals to make prescribed alterations to Danecourt Special School at the end of the Statutory Representation Period since no objections were received.

1. Budget and Policy Framework

- 1.1 The proposals to make prescribed alterations to Danecourt Special School are consistent with the provisions of the School Organisation Plan 2011-16 and with the Council Plan priority of 'Children and young people having the best start in life'.

2. Background

- 2.1 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/academy special schools is too high. This includes a number of children educated outside the Medway area or in independent provision.
- 2.2 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.
- 2.3 In recent years, there has been a significant growth in the number of primary age pupils in Medway with moderate learning difficulties and those on the autistic spectrum. We expect numbers to continue to grow, resulting in a need for additional capacity. This capacity will be required initially in the primary phase.

- 2.4 Danecourt Community Special School is an outstanding school for pupils aged 2-11 with Moderate Learning Difficulties (MLD) and Autistic Spectrum Disorder (ASD).
- 2.5 In recent years, the Council has allocated basic need capital funding to develop additional SEN provision. More recently, the council was successful with bids for funding through the targeted basic need growth fund, including a bid for funding to support the expansion of Danecourt to provide up to 40 additional primary phase places.
- 2.6 On 17 December 2013, a report was presented to the Cabinet, which considered and approved proposals to expand Danecourt Special School.
- 2.7 Under decision 206/2013, the Cabinet instructed the Director of Children and Adult Services to commence the period of public consultation to allow views to be expressed on the proposal to make prescribed alterations to Danecourt Special School.
- 2.8 The first stage in the statutory process is the informal consultation period, which includes a public meeting. This took place over a six-week period between 24 February and 6 April 2014. The results of the consultation were presented to the Council's Cabinet and the Children and Young People Overview and Scrutiny Committee.
- 2.9 On 15 July 2014, under decision 122/2014, the Cabinet noted the responses to the informal consultation process together with the comments of the Overview and Scrutiny Committee and instructed the Director of Children and Adult Services to commence the period of statutory representation for statutory notices and publish full proposals.
- 2.10 At the same meeting, under decision 123/2014, the Cabinet agreed to delegate authority to the Director of Children and Adult Services, in conjunction with the Portfolio Holder for Children's Services (Lead Member), to determine whether to approve the proposals at the end of the statutory representation period if no objections are received.
- 2.11 No objections were received during the statutory representation period, which ran from 15 September to 12 October 2014. This report, therefore, requests the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children's Services, to determine the proposals.
- 2.12 There is a need for the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children's Services to make a decision within two months of the end of the statutory representation period which was on 12 October 2014. If the Council fails to make a decision within the two months, then the proposals must be referred to the schools adjudicator.
- 2.13 Whilst no formal objections were received during the statutory representation period, a response was received from another special school in Medway. The response whilst supportive of the proposals as set out in section 3.1 did raise some concerns regarding the wording of the full proposals. These concerns are addressed in the following sections.
- 2.14 To address these concerns the Local Authority would like to assure all of Medway's special schools that where the document states that "...some children may have been placed at other less suitable special schools where no place is available at Danecourt", it was intended to compare Danecourt with out of area and independent primary phase schools and was not aimed at Medway's other special schools which all offer an excellent and appropriate education for their pupils as highlighted by the current range of Ofsted ratings and comments.

- 2.15 The rationale for this was that where possible Medway will try to educate pupils close to their homes, and by sending pupils to external schools was not beneficial to the outcomes of the children and their integration into their communities.

3. The proposals

- 3.1 The proposals consulted upon by way of statutory prescribed alterations were;

- To 'Increase Pupil Numbers' to allow for the expected increased demand for primary age places at the school, and
- To 'Extend the range of SEN categories' by adding Severe Learning Difficulties (SLD) to the schools current range of designated provision

4. Factors to consider when deciding a proposal

- 4.1 The Department for Education does not prescribe the exact process by which a decision-maker carries out their decision-making function; however, decision-makers must have regard for the guidance – School Organisation Maintained Schools, Annex B: Guidance for Decision-Makers January 2014 (appendix 1) - when making a decision. The following sections outline the factors that require assessment as part of the decision-making process.

4.2 Consideration of consultation and representation period

The full consultation process was followed which comprised of a six-week informal consultation period, including a public meeting. 45 responses were received in the consultation period of which, 41 (91%) supported the proposals. Medway Council's Cabinet reviewed the outcomes to the consultation, considered all comments made and approved the commencement of the Statutory Representation Period. The report addressed the concerns that some stakeholders had raised.

The Statutory Representation Period took place over a four-week period during which no objections were received.

4.3 Education standards and diversity of provision

Danecourt is an Ofsted rated outstanding school. Therefore by expanding the school the proposals will provide an outstanding education for additional children with special educational needs in the primary sector. This in turn will provide a greater opportunity for ensuring that pupils are placed at the most appropriate provision not just at Danecourt but also across all of Medway's specialist provision. This will ensure that more children have access to the excellent standard of education provided at all of Medway's special schools and will offer greater diversity and choice across Medway for children with SEN.

4.4 Demand

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 at least 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.

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.

In recent years, there has been a significant growth in the number of primary age pupils in Medway with MLD and ASD. We expect numbers to continue to grow, resulting in a need for additional capacity. This capacity will be required initially in the primary phase, but also in the secondary phase in the longer term.

Danecourt Community Special School is an outstanding school for pupils aged 2-11 with MLD and ASD and it is not proposed to alter the age range at this time.

4.5 School size

Ofsted rates Danecourt Special School as outstanding and it is expected that the expansion by 40 pupils across the whole school will not compromise these standards. The additional capacity will enable the school to better organise teaching and learning throughout the year groups.

4.6 Proposed admission arrangements

No changes are proposed to the admission arrangements for Danecourt following the expansion. Given the nature of the school it is unlikely that proposals will affect the applications made for the school.

4.7 National Curriculum

No changes are proposed to the curriculum as a result of the prescribed alterations, but the expansion will enable the school to utilise the space more effectively.

4.8 Equal opportunity issues

A Diversity Impact Assessment (DIA) screening form is attached as Appendix 2. The DIA looks at how the proposed changes could impact upon various groups. The report indicates that there could potentially be some impact upon certain groups, however it shows that any impacts are expected to be positive ones. The expansion will help to increase equality of opportunity by creating more places for children with special needs.

4.9 Community Cohesion

Danecourt provides education for pupils from across Medway and beyond, playing an active part in the SEN community. By expanding the school will be in a better position to intensify its community involvement and focus upon the community integration of their pupils.

4.10 Travel and Accessibility

The proposals will not impact upon the accessibility of the school. The proposals will not disadvantage any pupils as the vast majority arrive at the school by minibus having been picked up from their homes.

There will be improved pick up and drop off arrangement at the new site which will have a beneficial impact upon the surrounding area and traffic management in general compared to the current arrangements.

There will be increased parking on the site, which will improve parking concerns from local residents

4.11 Capital

It is intended that the project to expand Danecourt Special School premises will be funded via the Children's Services Capital Programme, which is mainly funded by Government and targeted grants.

The council has been allocated £1,300,722 from Central Government's Targeted Basic Need Programme to support the expansion of Danecourt. The school is contributing

£100,000 from its own funds to top up the overall available funding. It is expected that these two elements will be sufficient to fund the agreed physical expansion.

The availability of this funding provides a unique opportunity to develop additional SEN provision in Medway, to address the increasing pressure on places and reduce reliance on out of area placements.

4.12 School premises and playing fields

Danecourt currently has outside space including playing field areas, and it is not intended that these will be impacted upon by the expansion.

4.13 The SEN improvement test

In planning and commissioning SEN provision or considering a proposal for change, Local Authorities should aim for a flexible range of provision and support that can respond to the needs of individual pupils and parental preferences. In determining the proposals decision-makers have taken account of the following in ensuring that the SEN improvement test has been met;

- Parental opinion has favoured the expansion of the provision
- The range of needs of the children and the shortage of alternative primary provision options locally
- The needs of the children have been accounted for and the curriculum and education provided is suitable for the needs of the children. Ofsted rates Danecourt as outstanding, and decision-makers would not expect this to change under the new arrangements.
- The expanded accommodation will improve the accessibility to the facilities which will aid the delivery of the curriculum, which it is expected will further improve the outcomes for the pupils attending Danecourt School
- No pupils will be displaced, indeed the aim is that by expanding the school more children will benefit from the changes

5. Risk management

5.1 The following risks arise from not implementing the proposals

Risk	Description	Action to avoid or mitigate risk
Increase in cost of placements	Failure to develop additional provision would result in an increase in the number of pupils educated in independent / out of area provision, thus increasing cost pressures for SEN provision and transport	The development of additional primary phase provision will reduce the reliance on independent provision for pupils.
The available budget is insufficient to cover the full costs of the scheme	Detailed design work has been undertaken, and it is expected that a suitable scheme can be delivered within the current funding available.	Phasing the building project will ensure that sufficient funding is available for the initial phase to relocate the primary phase children onto the new site.

Pupil forecasts do not accurately predict future levels of need	Recent increases in the birth rates and inward movement of families with children has resulted in significant additional need	The expansion of Danecourt along with other SEN provision proposals will ensure that more capacity is available to cater for additional future demand.
The timescale to deliver the additional capacity by September 2015 is not met	A condition of the targeted basic need funding is that the additional 40 places are delivered by September 2015	The expectation is for the project to be completed by the target date of 1 September 2015.

6. Financial implications

- 6.1 The project to expand Danecourt Special School will be funded via Central Government's Targeted Basic Need Programme with a contribution from the school, as set out in section 4.11.

7. Legal implications

- 7.1 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 'School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

8. Recommendations

- 8.1 The Director of Children and Adult Services is asked to approve the proposals in consultation with the Portfolio Holder for Children's Services in accordance with section 19(1) of the Education and Inspections Act 2006 that Medway Council, (Gun Wharf, Dock Road, Chatham, Kent ME4 4TR) intends to make prescribed alterations, as set out in section 3.1 of this report, to the following Community school with effect from 01 September 2015 – **Danecourt Community Special School, Hotel Road, Gillingham, Kent ME8 6AA.**

9. Suggested reasons for decision(s)

- 9.1 To deliver 40 additional primary phase places to meet anticipated demand.
- 9.2 To enable a reduction in the number of children who would otherwise need to be placed in expensive independent and out of area provision.

10. Director of Children and Adult Services statement

I hereby approve the proposals in accordance with section 19(1) of the Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, to make prescribed alterations, as set out in paragraph 3.1 above, to **Danecourt Community Special School of Hotel Road Gillingham Kent ME8 6AA** with effect from 1 September 2015.

Additional comments:

Signed: B. Peacock Date: 2.12.14
Barbara Peacock
Director of Children and Adult Services

Portfolio Holder (Children's Services) statement

I confirm that, in accordance with the decision of Cabinet on 15 July 2014, the Director of Children and Adult Services has consulted me in relation to the above decision

Signed: M. O'Brien Date: 02.12.14
Cllr Mike O'Brien
Portfolio Holder (Children's Services – Lead Member)

Contact for further details:

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Background papers

- 1) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. <http://www.legislation.gov.uk/ukSI/2007/1289/schedule/4/made>
- 2) Medway's School Organisation Plan 2011 - 2016
<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016%20revised.pdf>
- 3) Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014
<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?Id=4073>

Appendices

- 1) School Organisation Maintained Schools, Annex B: Guidance for Decision-Makers January 2014
- 2) Diversity Impact Assessment screening form