

CABINET

23 OCTOBER 2018

REFERRAL FROM CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE: NEEDS ANALYSIS ON FUTURE DEMAND FOR SEND PLACES

Portfolio Holder: Councillor Andrew Mackness, Children's Services
(Lead Member)

Report from: Ian Sutherland, Director of People – Children and
Adults Services

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Summary

This report sets out a referral from the Children and Young People Overview and Scrutiny Committee held on 4 October 2018, following consideration of a report concerning a petition on Abbey Court School which had been referred to the Committee.

The Committee has requested the Cabinet to indicate when the SEND review was likely to be completed, for this to be completed as soon as possible and for the review outcomes to be published when completed.

1. Budget and Policy Framework

- 1.1 Overview and Scrutiny Committees may make recommendations to the Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4).
- 1.2 At its meeting held on 4 October 2018, the Children and Young People Overview and Scrutiny Committee agreed to make a recommendation to Cabinet, as detailed in section 5 of this report.

2. Background

- 2.1 On 4 October 2018, the Children and Young People Overview and Scrutiny Committee considered a report on a petition which had been referred to the Committee concerning Abbey Court School because the petitioner organiser indicated that she was dissatisfied with the response received.

- 2.2 This petition containing 4,263 signatures was received at the Council meeting held on 19 July 2018. The petition statement stated:

“We the undersigned petition Medway Council to build the secondary education building for Abbey Court School on the Cliffe Road, Strood site.”

- 2.3 On 25 July 2018, the Director of Children and Adults Services responded as follows:

“Council Officers are currently undertaking a detailed exercise to assess the overall demand for young people with special educational need across the whole of Medway in order that a robust and affordable delivery plan can be determined to inform pupil provision from September 2020. Once this needs analysis is completed, it will be used to inform and determine any highlighted need for future places. At that time, elected members will use the analysis and detailed information to make informed decisions moving forward. As part of this work we will continue to lobby local MP’s and the ESFA, to secure the required funding to meet any highlighted need. Members are committed to ensuring that we meet the individual needs of children and young people who have complex special education needs and disabilities as was demonstrated by the delivery of the Abbey Court Primary School at a significant cost of £13m.

We are committed to work in collaboration with the head teacher and governing body at Abbey Court School in respect of transition arrangements between primary and secondary phases of the school.

The Council has a duty to look at a whole system approach of delivering school places across Medway and not just one school. It is important to note that in addition to the work to assess demand moving forward in order to inform future projects such as the one highlighted in this petition, there are currently a number of associated projects being undertaken which will contribute to improving and expanding the inclusive nature of all our schools. This can be exemplified through a number of projects aimed at either extending or creating facilities: for example, eight new secondary school places for children who have profound hearing loss at Thomas Aveling and increasing the number of secondary school places available for pupils who have Autistic Spectrum Disorder at the Hundred of Hoo Academy.

In addition a substantial piece of work is also underway to inform pupil provision from September 2019/20. The Council has £1.377m budget provision in terms of capital for special education needs projects which is significantly less than is required moving forward”.

- 2.4 On 2 August 2018, the petition organiser requested that the matter be reviewed by the relevant Overview and Scrutiny Committee. The request stated:

“I have received the response to our petition from the Director. We are grateful for his response, however we are not happy with the response that has been given. The response does not state the clear reason as to why the secondary

site will not be built. The response states there's enough provision till 2020 which is untrue, we need the secondary site built in time for 2019 children. The response also talks about other schools for children with profound hearing loss and autism, none of which are suitable or have anything to do with our petition”.

- 2.5 In response, the Director of Children and Adults Services has further commented as follows:

“As stated in my original response, the Council has a duty to look at a whole system approach of delivering school places across Medway and not just one school, in this instance, Abbey Court. Young People within Medway have a range of additional needs and we have a responsibility to take a whole system approach to meeting the needs of all Young People. The additional facilities provided by the Council are suitable in supporting the needs of the young people who attend those schools.

Since the last report the Department for Education through the Education Schools Funding Agency, have released a funding opportunity specifically for SEND schools. My officers are currently reviewing this document and subject to due process, we will submit a bid. These have to be submitted by Mid October with an announcement on the successful bids by January 2019. Our work on future needs analysis and demand for places will feed into supporting this funding opportunity.”

3. Children and Young People Overview and Scrutiny Committee – 4 October 2018

- 3.1 In considering the petition referral request and the Director's comments set out in paragraphs 2.3 and 2.5 of this report the Committee commented as follows:

- 3.2 The Committee received a report advising of a petition received by the Council which fell within the remit of this Committee and had been referred to this Committee by the lead petitioner as she had been dissatisfied with the response received from the Director:

- 3.2.1 The Committee welcomed Mrs Hoskins to the meeting and invited her to address the Committee on the concerns of the petitioners.

- 3.2.3 Mrs Hoskins, who spoke on behalf of the lead petitioner, outlined the basis of the petition which requested the Council to build the secondary education building for Abbey Court (a special school for children with the most complex Special Educational Needs and Disabilities – SEND) on the Cliffe Road, Strood site. She explained how concerned the parents of children at Abbey Court School were about the limited secondary school provision given that the pupils were children with the most severe and profound disabilities and learning difficulties. She described the difficulties the children and their families experience every day and explained how Abbey Court School provided an invaluable safe place for the children to benefit from social inclusion and schooling therapies, which was close to home and highly commended the provision at the new primary site of the school. She added

that the petitioners would like clarity on what the findings of the ongoing SEN review have been to date and when the completion of the review was likely to be.

3.2.4 The Director of Children and Adults responded, confirming that the Council shared the aspirations of the petitioners with regard to fewer children with SEND being educated out of Medway. He advised the Committee that new funding had been made available through the Department for Education (DfE) and the Council were now actively working on a bid for the funding to build a free school and added that the SEND review was an essential part of the submission. He added that he was meeting with the Headteacher of Abbey Court School the following week to strengthen communication lines with the school moving forward.

3.3 Members then raised a number of comments and questions, which included:

3.3.1 Bid for free school funding – Members were very supportive of the bid for funding and welcomed the opportunity to secure the capital to fund secondary school provision for children with the most severe and profound medical and learning needs. It was confirmed that officers were working actively on the bid, which had to be submitted in October 2018.

3.3.2 'Plan B' – a number of Members asked what the plan for additional provision was if the bid for funding a free school was unsuccessful. Officers explained that the local authority had no capital available itself for the build but were working extensively on interim arrangements to put in place as well as securing funding and planning for provision in the longer term and hoped to report to the Cabinet on the issue later in the month.

3.3.3 Communications – a Member requested that the parents of Abbey Court School be kept informed of significant Committee meetings, such as Cabinet, Council and Overview and Scrutiny Committees, where relevant discussions and decisions take place. The Director of Children and Adults confirmed that he was keen to establish the best forms of communicating information and would cover this issue in his forthcoming meeting with the Headteacher of Abbey Court School.

3.3.4 SEND Review – Members requested that the SEND review (needs analysis) be completed as soon as possible and that the review be published when completed.

3.3.5 Timescales – in response to a question about timescales in relation to the bid, it was confirmed that the bid must be submitted in October 2018, the outcome of which should be known in early 2019. If successful, proposer groups would need to make submissions to the DfE in Spring 2019 with announcements expected in Summer 2019.

3.3.6 Planning permission – the need for planning permission was raised, in relation to its potential impact on timescales. Reference was made to existing planning permission which had been granted for the secondary school building at the Cliffe Road site.

The referral:

- 3.4 The Committee thanked the petitioners for presenting the petition, noted the report and recommended the Cabinet to indicate when the SEND review was likely to be completed, for this to be completed as soon as possible and for the review outcomes to be published when completed.

4. Director of People – Children and Adults Services' comments

- 4.1 The SEND needs analysis is a detailed piece of work, which looks at forecast demand for SEND places within Medway of all young people with SEND.
- 4.2 To fully understand the needs of the whole SEND system requires officers to explore each provision and what it can provide, as well as the needs of the young people individually to ensure that all pupils attend the most appropriate setting for their needs and that sufficient places are available across the SEND system in Medway.
- 4.3 A significant amount of time is required to ensure that this work is completed comprehensively, and it is estimated that this will be ready for publication in January 2019. Interim figures will be shared as the analysis progresses.
- 4.4 However, from the work already undertaken as part of this process, it is clear that there is immediate pressure to address some areas of need in advance of the final needs analysis. The Cabinet reports 'Special Educational Needs and Disabilities Provision Proposal' and the 'Special Educational Needs and Disabilities Free School bid', elsewhere on this Agenda, highlights proposals to help address these needs.

5. Risk management, financial and legal implications

- 5.1 There are no direct risk management and financial implications arising from this report.
- 5.2 Section 9F of the Local Government Act 2000 requires the Council to ensure that its Overview and Scrutiny Committees have power to make recommendations to the Leader and Cabinet in respect of the discharge of Council functions (executive and non-executive) and also on matters which affect the authority's area or the inhabitants of the area.

6. Recommendation

- 6.1 The Cabinet is asked to note the Director of People – Children and Adults Services' comments, set out in section 4 of the report, including the timeline for the publication of the Needs Analysis on Future Demand for SEND Places, which responds to the referral from the Children and Young People Overview and Scrutiny Committee.

7. Suggested reasons for decision

- 7.1 The Children and Young People Overview and Scrutiny Committee has made this recommendation to Cabinet in accordance with its entitlement, under the

Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

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Appendices

None

Background papers

None