

CABINET

23 OCTOBER 2018

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES PROVISION PROPOSAL

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

Medway is experiencing increased demand for educational placements for children who have special educational needs. There is an immediate need to increase the number of school places for children who have complex Autism Spectrum Disorder (ASD) with challenging behaviour. Alternative funding streams need to be identified and agreed to meet this demand to ensure the Council continues to fulfil its statutory duties.

1. Budget and Policy Framework

- 1.1 Special Educational Needs and Disabilities (SEND) is within the remit of the Cabinet.

2. Background

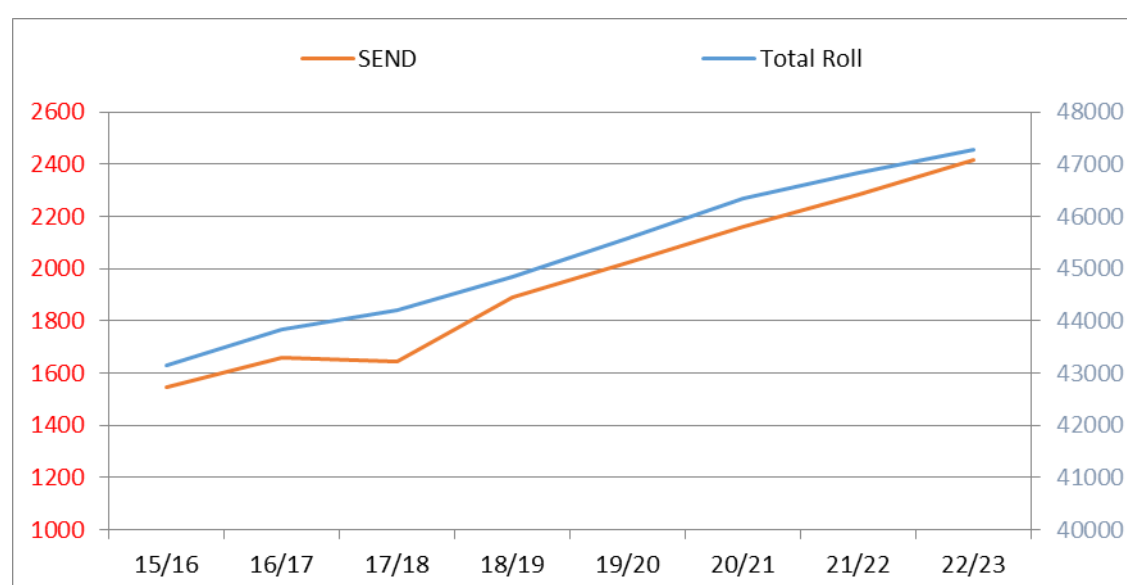
- 2.1 Medway Council published its SEND and Inclusion Strategy 2016-2020 in September 2016. This sets out the ambition that, wherever possible, the special educational needs of Medway children and young people are met in schools within Medway; close to where the children and young people live allowing them to maintain a link with their local community and health services.
- 2.2 The strategy is consistent with the priorities set out in the Council's Plan to enable Medway's people to realise their potential through enabling older and disabled people to live independently, ensuring that families are resilient and all children achieve their potential in schools.
- 2.3 The strategy, which promotes, supports and encourages greater inclusion for Medway's children and young people with special educational needs or disabilities within their local schools and community, also links to the Council

Plan priority to maximize regeneration and economic growth, by ensuring that residents have the skills to access jobs and are able to get around Medway.

2.4 In December 2017 Ofsted undertook a SEND inspection in Medway, and commented that whilst provision for children and young people who have special educational needs and/or disabilities is good and children with special educational needs make good progress they did raise concerns that the number of children from Medway educated outside local mainstream or maintained special schools is higher than the national average.

2.5 Medway Council currently maintains 2,187 Education Health and Care Plans. This is a 55% increase (778 pupils) since 2014.

2.6 This graph shows the expectation that as the pupil population in Medway rises the demand for SEND places will also increase.



2.7 In line with the strategy of more children being educated in local and wherever possible mainstream provision, the Council has established a secondary aged hearing impaired unit at Thomas Aveling School, which will provide for 24 pupils; all of these pupils would have been placed in out of area provision, had the unit not been created, at a higher cost to the high needs budget.

2.8 Further enhancements and additions to the provision will be undertaken, now that the unit is established, to maximise the learning experience of the pupils who attend for example sound field systems into more classrooms.

2.9 Additionally, the Council agreed to lease the former Abbey Court buildings in Rainham to the Rivermead Inclusive Trust specifically for the purpose of establishing a provision for secondary aged pupils with mental health problems. These children would have been placed in higher cost, out of area provision away from their families as no suitable provision was in place in Medway prior to meet this need. This provision will open in October 2018.

2.10 The Council has decided, with DFE approval, that £225,000 of the first year's instalment of the SEN Capital Fund should be allocated to The Hundred Of Hoo Academy for the St Werburgh Centre, so that the provision for secondary aged pupils with ASD can be improved and expanded to admit additional pupils.

- 2.11 Whilst the above three examples are having a positive impact and demonstrate that progress is being made in providing local inclusive provision to reduce the numbers of pupils placed outside of Medway, it is important that we have a robust SEND Place Commissioning Plan going forward. An analysis of SEND data and trends is underway to assess how best to meet the needs of all Medway's young people with specific needs and proposals for that will be presented over time.
- 2.12 The SEN capital fund, a £1.3m three year programme of central government funding, will be utilised to extend, improve and enhance specialist provision in both special and mainstream schools.
- 2.13 However, as shown in paragraph 2.3 it is clear that there is a pressing need to address the issue of demand for school places within Medway for children who have complex ASD with challenging behaviour, but whose cognitive ability is average or just below and who cannot be supported in a mainstream school. Currently 82 pupils with this diagnosis are placed out of area, some in residential provision. This proposal will help to address that and aim to enable more pupils to be educated in Medway close to their families and communities.
- 2.14 Additional provision is required to ensure as many of these pupils can be educated in Medway, particularly for key stage 2 and secondary aged pupils. There is no Local Authority capital funding currently available to meet this need and the increased demand moving forward.

3. Issues and Analysis

- 3.1 Cabinet has approved the setting up of Medway Commercial Group (MCG) with the freedoms and flexibilities of a company.
- 3.2 Cabinet, on 4 September 2018, under decision 112/2018, approved the leasing of the site at Cornwallis Avenue to Medway Commercial Group (MCG). It is proposed that MCG builds an Independent School to help meet the demand on SEND school places.
- 3.3 The proposal is that the provision will cater for children aged 7 to 19 diagnosed with complex ASD and challenging behaviour. Currently, no provision is in place within Medway for this type of need, and pupils are placed in out of area, often expensive, provision away from their peers and families. The current cost of the 82 placements is approximately £5.2m. If places for these young people can be commissioned at the Independent school there is the potential for considerable savings to the high needs budget.
- 3.4 The additional proposal is that the Independent School would also provide residential, respite and outreach provision, which Medway would commission to reduce the need to place young people out of area away from their families, and in turn reduce costs further.

3.5 The benefits of such an Independent School are:

- The Council would be able to respond to changes in demand by accessing the additional places this new provision in Medway would provide;
- Increased choice for parents;
- Land is immediately available to allow the construction of the Independent School to meet this need;
- Opportunity to provide additional accommodation for residential pupils and respite care avoiding the need to place pupils who can no longer live with their parents in residential school settings out of area;
- Placement costs will be negotiated with any new provider to ensure they are consistent with local provision;
- Reduction in the placement costs compared to placing out of area and the financial pressure on the high needs block.

4. Advice and Analysis

4.1 MCG will manage the design and planning process and oversee the delivery of the building. They will also manage the appointment of a suitable Independent provider/sponsor that will ensure the provision meets the necessary educational standards.

4.2 A Programme Board and Steering Group have been established to oversee the project's progress for the Independent School option. Medway Council's Head of Education will lead the selection and appointment of the school provider and will input into the design of the accommodation to ensure that the necessary educational standards are met from the outset. Additional places are required from September 2020 and dependent upon when the Independent school could be operational, interim measures may be required to meet short term demand.

4.3 The project will deliver school provision, residential facilities and respite care accommodation.

5. Risk Management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Insufficient places are available to meet demand	If no additional places for children with ASD with complex challenging behaviour are provided then insufficient places will be available to meet demand. This will lead to placement out of area away from family, as well as increasing costs for the high needs budget.	Progress the recommended option	B2

Insufficient funding is available to meet demand	If no opportunity arises to provide the additional places locally, then it is likely that the numbers of pupils placed in out of area settings will increase along with the pressure on the High Needs Budget and potentially the General Fund.	Progress the recommended option	B2
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6. Consultation

- 6.1 No formal consultation is required at this time, however consultation with schools, parents and carers will be essential when developing proposals. Full consultation will be necessary at the appropriate times through the statutory and planning processes.
- 6.2 A competitive process will be required to determine the most appropriate provider to operate the school.

7. Financial Implications

- 7.1 The financial impact upon the Council if no action is taken to address the need for additional ASD with complex challenging behaviour is significant and the cost of placing the 82 young people in out of area placements, 12 in residential provision, would be approximately £5.2m. Placing these young people in Medway provision has the potential to make considerable savings against the high needs block of the DSG.
- 7.2 The Council will negotiate a contracted rate with the Independent School to guarantee costs and reduce expenditure, which will enable a more efficient use of funding and resources.
- 7.3 It is reasonable to expect that if no action is taken to provide more provision within Medway, these figures would rise in future years as numbers grow placing significant pressure on the High Needs Block, and so by implementing the proposal the savings would increase year on year.

8. Legal Implications

- 8.1 The Council has a statutory duty to provide a place for all children who require one. The Council also has educational standards responsibility. The inclusion of the Head of Education in the project is important to ensure compliance with those standards.

9. Recommendation

- 9.1 Cabinet is asked to approve the progression by Medway Commercial Group of an Independent ASD Special School on the Cornwallis site, which includes provision for residential and respite care.

10 Suggested Reasons for Decision

- To ensure that the Council's duty to provide school places is met;
- To meet the recommendations of the SEND Ofsted report and the SEND strategy objectives that children should be placed in local provision close to their families wherever possible;
- To reduce reliance upon potentially limited and expensive out of area provision, which will ease the pressure on the High Needs Block funding;
- To make more cost effective use of funding from the High Needs Block;
- To present a new commercial opportunity for Medway Commercial Group.

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Appendices

None

Background papers

SEND Strategy Cabinet report and decision 27 September 2016

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3370> – item 5 refers