

	<p>Children, Education, Libraries and Safeguarding Committee</p> <p>9th March 2015</p>
<p style="text-align: center;">Title</p>	<p>Consultation on the future provision of specialist places for children and young people with Special Educational Needs and Disabilities 2015/16 to 2019/20</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director, Children and Young People</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p><i>None</i></p>
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Summary
<p>This report summarises the future requirements for additional specialist places to meet the needs of children and young people with special educational needs and disabilities and sets out a proposed schedule of consultation with headteachers, governors and other stakeholders regarding the pattern of provision and its governance.</p>

Recommendations
<ol style="list-style-type: none"> 1. That authority be given to the Director of Children's Services to undertake preliminary consultation with headteachers during the summer term 2015 on models for delivering additional school places for children and young people with special educational needs and disabilities (SEND). The outcome of this consultation will inform a recommendation to the Children's, Education, Libraries and Safeguarding Committee in July 2015 for the most appropriate model for developing new specialist places through to 2020, followed by

statutory consultation with schools and other stakeholders in the Autumn term 2015, in line with the requirements of Section 27 of the Children and Families Act 2014.

- 2. That authority be given to the Director of Children's Services to continue to explore with the Department for Education, the Governing Body of Mill Hill County High School and the Management Committee of the Pavilion Pupil Referral Unit, the option of transferring the governance and leadership of Oak Hill Additional Resourced Provision from Mill Hill County High School to the Pavilion Pupil Referral Unit. The outcome will be reported to the Children's, Education, Libraries and Safeguarding Committee for consideration.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Section 27 of the Children and Families Act 2014 requires local authorities to keep under review their education, training and social care provision for children and young people with special educational needs and disabilities (SEND). In exercising this function, the local authority must consult a range of partners and children and young people with SEND and their parents. This report reviews Barnet's requirement for new specialist places for children with special educational needs and disabilities (SEND) and sets out proposals for consultation to ensure that Barnet meets its statutory duty under the Education Act 1996 to provide sufficient places up to 2019/2020.
- 1.2 Barnet is currently investing in new school places to meet the unprecedented growth in pupil numbers. Barnet's Education Strategy set out the principles for this investment. This was supported by a more detailed commissioning strategy for school places up to 2019/20, which was considered by the Children's, Education, Libraries and Safeguarding Committee in September 2014. The strategy set out the future requirements for further additional provision for children with SEND. This report sets out the main considerations of a review that has now been undertaken of how best to provide this additional provision along with proposals for consultation with the wider school community.
- 1.3 As part of the review, initial engagement with some headteachers was undertaken but more structured consultation with all headteachers is now required in order to develop a recommended model for SEND provision to ensure that it is developed in the most cost effective and efficient way and best meets the needs of children, young people and their families. It is intended to conduct this consultation between now and July to enable a recommendation on a preferred model for investment to be brought to the Children's, Education, Libraries and Safeguarding Committee in July. This would be followed by statutory consultation, as required by legislation, during the Autumn term.

1.4 Context

- 1.4.1 Barnet is an inclusive authority, given that 57% of pupils (997 of a total of 1751 in 2014) with a statement of special educational needs maintained by

the council are placed in mainstream settings, a level which is significantly higher than our statistical neighbours and other Outer London boroughs where a larger proportion attend specialist provision. Specialist provision is required to meet the needs of the remaining children and young people. Some of this is offered by Additional Resourced Provisions (ARPs) in mainstream primary and secondary schools, with a greater number of places provided by the council's four special schools. Additionally, a number of pupils with SEND are placed in the special schools of other local authorities, whilst, in 2014, almost 10% (167) of pupils with a statement of special educational needs issued by the council were placed in a non-maintained or independent provision, including 35 in expensive residential settings.

1.4.2 As set out in the commissioning strategy for school places considered by the Children, Education, Libraries and Safeguarding Committee in September 2014, a detailed assessment of the future needs of Barnet's SEND population established the following need to be met up to 2019/20:

	Primary ASD/SLCN*	Secondary ASD/SLCN*	Primary BESD**	Secondary MLD***
Demography	18	45	2	11
Reduce dependency on expensive placements	10	10	8	5
Total	28	55	10	16

* Autistic Spectrum Difficulties / Speech, Language and Communication Needs

** Behaviour, Emotional and Social Difficulties

*** Moderate Learning Difficulties

1.5 The review of future needs

1.5.1 The review of future needs mapped the current provision against the range of needs of children with SEND in Barnet. It found that;

- the current pattern of provision of specialist places provided through a mix of special schools and resourced provisions within mainstream schools no longer best meets the geographic spread of demand across the borough. This is resulting in a significant and growing transport cost and for some children, long journeys to school.
- The consistency in the current pattern of provision within the ARPs, particularly for children with Autistic Spectrum Difficulties and speech, language and communication needs could be improved; both in the types of need catered for and the nature of the offer with regard to levels of inclusion within the mainstream setting in which the ARP is located.

- There is some overlap in the nature of needs that are being met within the four special schools and this is an increasingly common feature nationally.
- The number of post-16 pupils in special schools is causing a pressure on the availability of places for admission of younger pupils.
- There is an opportunity to improve the offer for children with significant SENDs in the area of behavioural, emotional and social difficulties (now described in the new SEN Code of Practice as “social, emotional and mental health difficulties”).

1.6 New approach to meet future needs

1.6.1 The main thrust of the review of future needs has been therefore to consider how best to invest in order to both meet the increased demand and increase the ability to offer provision as locally as possible, so as to meet parental aspirations and reduce transport costs. The review considered the cost, site availability and range of pupil needs and concluded that future provision should be shaped through:

- developing a pattern of smaller localised new provision within existing or newly commissioned mainstream schools;
- working with mainstream schools to improve provision within existing resourced provision, whilst sharing expertise across the network of provision;
- re-shaping provision within our existing special schools;
- re-shaping the current offer for children with behavioural, emotional and social difficulties;
- developing an increased range of options for young people post-16.

1.6.2 Initial engagement with headteachers regarding the findings of the review has established some shared principles so far:

- The strategy for meeting the future needs of children with SEND should have as its focus the requirement to develop the right type of provision in the right place.
- The objective should be to develop local provision wherever possible.
- Flexible models of delivery should be considered.
- The current balance between mainstream and specialist provision is appropriate and should be maintained.
- Funding mechanisms should be designed to provide stability and enable planning for quality provision.
- The strategy should ensure equity of provision for SEND in and between schools and equity of funding based on outcomes.

1.6.3 It is expected that there will be a continuing programme of support and environmental improvements for mainstream schools and academies, as now, to respond to complex needs of pupils in those schools. This consultation does not deal with these matters, but focuses on provision for those higher cost pupils for whom specialist provision is needed.

1.7 Proposals for consultation with all headteachers

1.7.1 Based on the initial engagement, a number of proposals have been developed for further consultation with headteachers and special educational needs co-ordinators. This consultation will take place between March and July. The consultation will explore the following elements.

1.7.2 Element A: The development of new provision through a number of small localised new Additional Resourced Provisions (ARPs) within existing or newly commissioned mainstream schools

In order to increase the range of local opportunities and to reduce travel time and cost, this proposal would result in a number of new small localised units within existing mainstream schools. Within this proposal there are a number of potential options to be explored for the future governance of the network of provision.

1.7.3 Option 1: ARPs remain managed directly by schools

ARPs (existing and new) would continue to be managed by mainstream schools/academies. This option has the potential advantage of allowing a continuum of inclusion for children with SEN within the mainstream setting. A potential disadvantage is that it is difficult to ensure consistency in provision, particularly over time, and the development of specialised staff expertise and experience is a challenge across a number of small, individually governed units.

1.7.4 Option 2: Create a multi-site special school

In this option, a new multi-site Special Academy would be created incorporating the existing ARPs and proposed new ARP bases for children with Autistic Spectrum Difficulties. A number of school operational issues would need to be explored. The potential advantages are that this could offer a stronger model and more consistency and integration across the settings; and it would help to extend the availability of specialised expertise and experience across the settings. A potential disadvantage is that this may not be deemed to meet a preference for a mainstream placement if that is what a parent has expressed.

1.7.5 Option 3: Create a 'Hub and Spoke' Special School

In this option, new ARPs would be managed by one or more of the existing (or any new combination of) special schools. Children with SEND would be placed by the Authority with the overarching special school, and it would be the responsibility of the Headteacher and Governors of the school, in consultation with the parents, to determine which location would be the most appropriate for the needs of the child, given their home address and specific needs. A number of school operational issues would need to be explored. The potential advantages of this model are the concentration of expertise in one organisation and the greater flexibility to enable children to be placed in a suitable location near to their home. A potential disadvantage is that there may be less co-operation and integration with the mainstream school as a result of the separation of management.

1.7.6 Element 2: The potential to develop Barnet's four special schools to cater for all special educational needs

There are currently four special schools in the borough: two primary (Oakleigh and Northway) and two secondary (Mapledown and Oak Lodge). Historically, Oakleigh and Mapledown were schools for children with Severe Learning Difficulties, and Northway and Oak Lodge offered places for children with Moderate Learning Difficulties. Increasingly, however, there has been some overlap in the nature of needs that each provides for. Given the desire to make provision as near as possible to children's homes, there would potentially be an advantage in developing schools which catered for all special educational needs. Generally, the accommodation in each could be adapted without major cost. This would require the necessary expertise to be developed in each school. A potential disadvantage is that this could spread the expertise in relation to particular needs too thinly between schools and that the curriculum would need to span a wider range of learning difficulty.

1.7.7 Element 3: The development of new post-16 provision

One of the pressures on places in special schools is the result of the expanding post-16 age group in our secondary special schools. Currently, 22 of the 74 places in Mapledown and 49 of the 165 in Oak Lodge are for post-16 students, who are generally offered a three year 6th form curriculum.

1.7.8 One option for the expansion of specialist places would be to develop more Sixth Form provision for young people with particular types of SEND (Autistic Spectrum Difficulties and severe learning difficulties for example). The provision could be managed by one or both of the existing secondary special schools. This would have the advantage of providing a staging post for this group of young people between school and Further Education (FE) or assisted independent living.

1.7.9 Barnet and Southgate College has recently developed its post-16 provision for young people with SEND, which has enabled the council to reduce its reliance on other independent specialist FE providers many of which were outside Barnet. There will always be a need for a mixture of school-based and FE College SEND provision for young people over the age of 16.

1.7.10 A potential advantage of this proposal to develop more sixth-form provision is that it would free up places in Mapledown and Oak Lodge for younger pupils. A potential disadvantage is that it would not necessarily assist with the desire to rebalance specialist provision to create places closer geographically to areas of need.

1.7.11 Element 4: The development of a continuum of provision for children and young people with Behavioural, Emotional and Social Difficulties (BESD)

The review found that the current local provision for children and young people with significant special educational needs in the area of behavioural, emotional and social difficulties (now described as social, emotional and mental health difficulties) offers limited choice and that there is an opportunity

to improve integration with other services for children and young people with similar needs.

- 1.7.12 The Oak Hill ARP, which provides for secondary age children with significant special educational needs in the area of behavioural, emotional and social difficulties, is currently managed by Mill Hill County High School. The Headteacher and Governors of Mill Hill have been considering creating a multi-academy trust (MAT) in which Oak Hill would become a special academy within this model of governance. However, recent discussion with the Headteacher and Chair of Governors of the school has indicated a willingness to consider other options for this provision if this would benefit the offer of SEND support to Barnet pupils.
- 1.7.13 To strengthen the local continuum of provision for children and young people with special educational needs in the area of social, emotional and mental health needs, an alternative option has been proposed, which is that the Oak Hill ARP is linked to the Pavilion Pupil Referral Unit (PRU) through, for example, a single governing body or management committee. Such an option has the potential advantage of enabling the consolidation of local provision for children with social, emotional and mental health needs under a single model of leadership and governance.
- 1.7.14 Discussions are underway with the Governors of Mill Hill County High School and the Management Committee of the Pavilion PRU regarding this option. At the same time, officers are in discussion with officials at the DfE about this option and the technicalities and legal issues relating to its implementation. It is hoped that a way forward can be agreed soon with the DfE and with Mill Hill County High School and the Pavilion PRU. It should be noted that all PRUs are required to become Academies by 2018.
- 1.7.15 It should also be noted that the management committee of the Pavilion PRU is concerned to ensure that the PRU's accommodation and the accommodation at Oak Hill are sound and fit for purpose before agreeing to some form of joint management/governance and before moving to Academy status, referred to in paragraph 5.2.2 below.
- 1.7.16 The potential advantages of this option are
- It would offer an integrated continuum of provision for children and young people who do not or cannot attend mainstream schools due to special educational needs in the area of social, emotional, behavioural or mental health difficulties or who are at risk of or are excluded from school.
 - It could improve the efficiency, effectiveness and impact of local provision
 - It would enable standardisation and integration of systems and processes, in order to create a continuum of high quality educational provision that enables the individual needs of learners to be identified and met.
 - It could strengthen local multi-agency approaches that are supported by the Local Authority and which recognise the complex and wide

ranging needs of learners unable to achieve in mainstream schools. This includes, but is not limited to, safeguarding and child protection concerns, mental health needs, specific learning and developmental needs, anti-social and criminal behaviour in the community and housing needs.

- This provision is driven by the framework for SEND, and this is related to, but different from, the highly specialist provision for children and young people with mental health needs that do not lead to special educational needs, for example those in receipt of education through Northgate School when they are admitted to Tier 4 provision at the Beacon Centre in Edgware Hospital.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The Council has a statutory duty under Section 27 of the Children and Families Act 2014 to keep under review its special educational provision and social care provision, consulting a range of partners. It also has a wider statutory duty under the Education Act 1996 to ensure sufficient school places are available. The recommendations in this report will enable the council to fulfil this duty through to 2019/20.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Council has a statutory duty to provide a school place for all children, including those with special educational needs. Given the demographic pressures facing the Council over this period, the alternative to expanding specialist provision would be to commission more places in the Non-Maintained and Independent Special School sectors, which would have a significant negative impact on the 'Schools Budget' (funded from the Direct Schools Grant) and on the SEN Transport budget, which is funded from the council's general fund.

4 POST DECISION IMPLEMENTATION

- 4.1 The discussion with headteachers, including schools with ARPs and special schools, will continue over the summer term with the objective of developing detailed options for the nature of specialist places which will be the subject of wider consultation over the autumn term 2015. This wider consultation will involve all schools along with other agencies, local voluntary sector partners and, importantly, children and young people with SEND and their parents.
- 4.2 The work on the future governance of Oak Hill ARP as either part of a new Mill Hill County High School Multi-Academy Trust or within a Pavilion/ Oak Hill joint management/governance will continue and the outcome will be reported to the Children's, Education, Libraries and Safeguarding Committee with the objective of establishing the MAT with effect from 1st September 2015 if possible.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The project complements the direction of the council's 2013-16 Corporate Plan, which prioritises creating better life chances for children and young people across the borough, in particular for those with special educational needs or disabilities. The Council is committed to offering personalised support to these young people to enable them to achieve better life outcomes.
- 5.1.2 The Children and Young People Plan 2013-16 further outlines the ways in which the Council will ensure that children and young people with SEN have access to suitable provision to enable them to be able to achieve their potential, from support in early years provision through to a positive transition into adulthood.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The capital requirements were reported to the Children's, Education, Libraries and Safeguarding Committee on 15th September 2014. The capital requirement to provide an additional 38 Primary places and an additional 71 secondary places for SEN between 2015/16 and 2019/20 is approximately £12 million.
- 5.2.2 In relation to the Pavilion PRU, the DfE recently announced that the PRU's accommodation at Chandos Avenue has been included in the department's Priority Schools' Building programme. A further announcement is expected later this year on when the building works can take place. In the meantime officers are assessing the need for adaptations to the Oak Hill site to accommodate existing and future pupils, including those who may have more complex needs. Any adaptations would be funded through the education capital programme.

5.3 Legal and Constitutional References

- 5.3.1 Under the Council's Constitution, functions within the Terms of Reference for the Children's Education, Libraries and Safeguarding Committee responsibility include:
- planning the adequate provision of school places in the Borough
 - investment in educational infrastructure to meet the needs of the Borough's learners
 - to be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools)
 - to be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools).
- 5.3.2 The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for primary and secondary education in their area. Under s.14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 5.3.4 The Children and Families Act 2014 requires local authorities to keep their educational, training and social provision for children and young people with SEN under review, to ensure integration between these provisions and to promote wellbeing and improve quality of provision for children and young people with SEND.
- 5.3.5 State funded schools are split into schools maintained by the local authority and those directly funded by Central Government. The former are split into a number of categories. The latter encompass academies and free schools (which are academies which did not convert from a maintained school). Academies can provide primary, secondary and alternative provision education. For maintained schools, there are prescribed requirements in order to make specific alterations. This includes expanding existing schools to add specialist resource units. The requirements are set out in the Education and Inspections Act 2006 and associated regulations. Academies do not have to follow the same requirements in order to expand, but are expected to seek the approval of the Secretary of State.
- 5.3.6 Section 6A of the Education and Inspections Act 2006 requires that local authorities seek proposals for the establishment of an academy if they think that a new school is required in their area. There are only limited circumstances when a local authority will be able to publish proposals to establish a new maintained school.
- 5.3.5 The Council must ensure it meets its public law duties when making decisions, including meeting its public sector equality duty. It must consider all relevant information, disregard irrelevant information, act in accordance with the statutory requirements and make its decision in a fair and transparent manner.

5.4 Risk Management

5.4.1 All pupil place planning is based on pupil projections and there is a risk that the projections are inaccurate. There is a risk that the needs of groups of children change over time. The development of the strategy for future provision will be developed to promote flexibility.

5.4.2 Following the extensive guidance and comprehensive legal framework for the development of special educational provision will minimise the risk for any procedural oversights. Full consultation and analysis of data with other statutory services will minimise the risk of developing unnecessary or unsuitable provision.

5.5 Equalities and Diversity

5.5.1 Ensuring a high quality education offer supports the progress of all children and young people including those with additional needs or at risk of underachievement, for example, children with additional learning needs or young people with behavioural emotional and social difficulties. By reshaping and investing in new provision for children with special educational needs and aiming to retain Barnet's diverse educational offer, the council is investing to ensure that Barnet remains a popular place for families to live and study.

5.6 Consultation and Engagement

Schools are engaged with the strategic approach to planning specialist places through a headteacher stakeholder group which is considering this issue. In addition, regular briefings are given through the termly Director's meetings with headteachers and chairs of governors.

Parents and other stakeholders will be consulted in the autumn term 2015 on the options for future provision that will be developed in the summer term through discussions with headteachers. The statutory framework for consultation on the development and review of specialist provision (explained above) will guide a coherent consultation process that enables stakeholders and children and young people to participate directly in the process.

Staff, governors and parents of the Oak Hill ARP and the Pavilion PRU will be consulted once firm proposals are developed.

6 BACKGROUND PAPERS