

	<p>Children, Education, Libraries and Safeguarding Committee</p> <p>14 June 2016</p>
<p style="text-align: right;">Title</p>	<p>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: right;">Report of</p>	<p>Commissioning Director, Children and Young People</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix A: Consultation responses on the future provision of specialist places for children and young people with Special Educational Needs and Disabilities</p>
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Summary

This report sets out the results of consultation on the future provision of new specialist education places to meet the needs of children and young people with special educational needs and disabilities. Informed by this consultation, the report recommends that additional places are provided through the development of a new special school in Barnet. It advises the Children, Education, Libraries and Safeguarding Committee of a Free School application submitted to the Department for Education to establish a new special school.

Recommendations

- 1. That the Children, Education, Libraries and Safeguarding Committee note the results of the consultation and approve the need for a new all-through special school for children and young people with Autistic Spectrum Disorders (ASD) to meet current and future demand.**
- 2. That the Children, Education, Libraries and Safeguarding Committee note that a Free School application to establish a new all-age special school in Barnet has been submitted to the Department for Education by Oak Lodge Special School and agree that such a school would meet the need identified in recommendation 1.**
- 3. That the Commissioning Director, Children and Young People be authorised to pursue the development of a school to meet the need set out in recommendation 1 and to report back to the Children, Education, Libraries and Safeguarding Committee on any capital requirements if such a school cannot be funded via a free school application.**

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 special educational provision and social care provision, consulting a range of partners, as well as parents, children and young people.
- 1.2. At its meeting on 6th January 2016, the Children, Education, Libraries and Safeguarding Committee considered a report which set out the estimated future requirement for specialist places for children with special educational needs and disabilities (SEND) through to 2019/20. The report noted some developments already planned and concluded that there remained a minimum further requirement of 3 primary and 8 secondary classes (a total of 72 places) to be provided. The report set out three options to meet this demand:
 - Option A: a new all-age Special School for pupils with Autism Spectrum Disorder (ASD)
 - Option B: a new Special School Sixth Form Centre and new Primary Additionally Resourced Provision (ARP)
 - Option C: new primary and secondary ARP Provisions

The Children, Education, Libraries and Safeguarding Committee approved a process of consultation on these three options which has now concluded.

Responses to the consultation

- 1.3. Paragraph 5.6 below sets out the method of consultation which included an on-line survey, supported by a consultation document that was widely disseminated and presented at various fora. People were encouraged to

provide their feedback through the on-line survey. In total, 66 responses to the consultation were received through the portal. Of those who identified their role, the majority were parents. A summary of the consultation responses is contained in Appendix A. Overall, respondents felt that the options put forward by the council reflected the issues facing the borough. There was a clear preference for the identified need for more provision to be met through a new ASD special school, with 65% supporting this option. 12% favoured a new Special Sixth Form Centre and 21% additional ARPs.

1.4 Respondents were given the opportunity to provide the reasons for their response. Among those that expressed a preference for a new ASD special school, key reasons included;

- Support for a single all-through provision from primary through to secondary specialist, children would not need to change provision
- Specialist provision for ASD pupils, enabling more focussed support, specialist teaching etc.
- Provide a type of provision that currently isn't on offer in Barnet, enabling children to be educated closer to home.

1.5 For those that expressed support for the other options, reasons included a preference for ARPs which could address a range of needs as well as ASC and a belief that children with the right support can attend mainstream schools. Some respondents who preferred Option A were also keen to point out the value of ARPs. The pursuit of Option A will add to the current mix of ARPs and special schools, maintaining a range of options to meet needs.

1.6 One respondent raised a potential worry as to whether a new ASC school could be to the detriment of Barnet's existing special schools. At present the special schools work very closely together in a partnership (known as the MOON partnership), sharing expertise and knowledge, training resources and challenging each other to continually improve. As the Windmill School is being proposed by an existing member of this partnership, there is no indication that this mutually beneficial partnership will not continue.

1.7 Paragraph 5.2.1 sets out the revenue and capital costs associated with each option. Option A, the preferred option by respondents, is also the most cost effective in relation to revenue funding. Capital costs will depend on the route through which new buildings are provided.

1.8 Taking account of the consultation responses, the revenue implications and the recent submission of a Free School application to provide new SEN places in Barnet (see below) it is recommended that Option A becomes the preferred option.

Next steps for the preferred option

1.9 To take forward the preferred option, there are several routes to establish a new special school. Increasingly, new schools are being provided through the government's free school programme, administered by the Department for Education.

- 1.10 The Department for Education has confirmed the submission of an application for a new Special Free School in Barnet, to be known as the Windmill School. The application is led by Oak Lodge Special School, an outstanding Barnet secondary special school with a nationally recognised headteacher and a school that works closely with the local SEND parent community. The proposal would see Oak Lodge Special school become an Academy with the ability to sponsor other schools as part of a Multi Academy Trust.
- 1.11 The proposal is to open an autism specific specialist school for learners aged 5 to 19 years with a confirmed diagnosis of an autistic spectrum condition and with an Education, Health and Care Plan. Currently, there is no autism-specific maintained school in Barnet. At full capacity, the Windmill School would be able to provide education for up to 90 students.
- 1.12 All applications for new free schools are considered and determined by the DfE's Regional Schools Commissioner. Once a new free school is approved, the Education Funding Agency (EFA) on behalf of the Department for Education seek to identify a suitable site and oversees the funding and construction of the building. If the Windmill School receives approval, it is proposed that the Commissioning Director, Children and Young People work with Oak Lodge Special School and the DFE/EFA to
- Ensure that the new free school provision meets the local requirements for SEND places. The council has been in close liaison with Oak Lodge Special School as it has prepared its free school application and this liaison would continue.
 - Support the EFA in its search for a suitable site in Barnet, including the exploration of council owned sites. The future use of any council owned site is the responsibility of the Assets and Regeneration Committee. The Government's White Paper published in March 2016, which will inform the forthcoming 'Education for All' Bill, set out an aim for local authority land to be required to be used for free schools. However, until the Bill is published, it is not certain whether this aim will be taken forward.
- 1.13 If this (or any other similar) free school application for special school provision is not successful, the council would need to instigate a process to commission a new school directly. In addition to a site, it would need to identify capital funding for the construction of a new special school. It is proposed to report back to this committee should this circumstance arise. Any capital funding would be considered as part of the council's capital investment programme within the council's medium term financial strategy, overseen by Policy and Resources Committee.

2. REASONS FOR RECOMMENDATIONS

The recommendations would enable the identified need for additional school places for children and young people with specialist educational needs to be met.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

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 Dedicated Schools Grant) and on the SEN Transport budget, which is funded from the council's general fund.

4. POST DECISION IMPLEMENTATION

The Commissioning Director for Children and Young People will work with Oak Lodge Special School and the Department for Education, to ensure that the development of a new special Free School in Barnet meets the local requirements.

5. IMPLICATIONS OF DECISION

5.1. Corporate Priorities and Performance

The quality of the education offer is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet family friendly, with many families attracted to the area by the good reputation of Barnet's schools. Ensuring that appropriate and sufficient local school places are available for children with special educational needs supports the delivery of the council's Corporate Plan to ensure that 'Barnet's children and young people will receive a great start in life' and that 'Barnet schools will be amongst the best in the country, with enough places for all and with all children achieving the best that they can'.

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

5.2 Revenue Considerations

5.2.1 The cost of providing places for children and young people with Special Educational Needs and Disabilities is funded from the DSG. The additional number of specialist places is identical across all three options. The difference is between the number in ARPs and those in Special Schools. We can estimate the cost of each option by calculating the different number of places in these two sectors only and multiplying by the relevant unit costs:

	Avge Unit Cost	Option A		Option B		Option C	
		No. of Places	Annual Cost - £s	No. of Places	Annual Cost - £s	No. of Places	Annual Cost - £s
ARPs	29,306	16	468,896	32	937,792	110	3,223,660
Special School	23,824	126	3,001,824	110	2,620,640	32	762,368
Total		142	3,470,720	142	3,558,432	142	3,986,028

Option A is, in revenue terms, the most cost effective. Option B is £88,000 more expensive. Option C is considerably more expensive - by an estimated £515,000 per annum. Option C would therefore have a significant impact on the schools budget (Dedicated Schools Grant).

Site and Capital Considerations

5.2.2 Finding suitable sites for new education provision to meet the general growth in pupil numbers in Barnet is already a significant challenge. Given the distribution of children and young people with SEN across the Borough, it would be preferable if suitable sites could be identified in the west of the borough to minimise journey times for students and transport costs (funded from the council's general fund).

5.2.3 Capital costs will depend on the nature of the site, its ownership and other factors. At this stage therefore, the figures included here are very broad estimates based on recent similar examples across London. These figures must therefore be treated with caution, but are used to indicate a broad pattern.

	Number of Sites to Find	Indicative Building Cost	Possibility of additional external capital funding
Option A	1	£25 million	Through Free School application
Option B	2/3	£21m	Potential for Sixth Form Centre to be established as Free School
Option C	3/4	£16m	No additional capital funding likely, over and above annual capital grant for new basic need

5.2.3 The proposed preferred option (Option A) will require the identification of a site and the construction of a new special school. In relation to the site, as set out above, it is proposed that the council continue to work closely with the EFA to help identify a suitable site that best meets the needs of Barnet pupils (see paragraph 1.12 above). If the Free School application submitted by Oak Lodge Special School is successful, the new school will be constructed and funded as part of the Government's Free School programme.

5.2.4 Paragraph 1.13 sets out the circumstances in the event that this or any other similar) free school application for special school provision is not successful.

5.3 Legal and Constitutional References

5.3.1 Constitution, Responsibility for Functions, Annex A, sets out the terms of reference of the Children, Education, Libraries and Safeguarding Committee including:

- 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).

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.

5.3.3 The Education and Inspections Act 2006 requires a local authority to seek proposals for the establishment of an academy if it thinks that a new school is required ("the free school presumption"). There are very limited circumstances when a new maintained school can be created. If publishing proposals, the local authority must identify possible site options. Statutory guidance confirms that local authorities can liaise with the DfE where it has identified a need and if there is an existing proposal for a new free school that might meet the need, the local authority can postpone the holding of a competition or determine that the proposal meets the identified need. Once the local authority has commenced a competition, it is expected to continue with the process. For this reason, it is appropriate for the Council to liaise with the DfE and the free school proposer to identify whether this will meet the identified need, before commencing a separate statutory process.

5.4 Risk Management

5.4.1 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 The preferred Option A will meet the need for new specialist places that has been identified as unmet need. The projected need for new places assumes that current plans for expansion that will provide an additional 3 classes come to fruition. Should these fail to materialise, additional provision would be required over and above the new special school proposed in the preferred option.

5.5 Equalities and Diversity

5.5.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant

protected characteristic and persons who do not share it

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

5.52 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.

5.53 Consultation and Engagement

The list of consultees, and methods of engagement, were as follows:

Group to be Consulted	Method
Parents and Children with SEN	Meeting with Barnet Parent & Carer Forum. Public meeting hosted by Barnet Parent & Carer Forum. Consultation document sent to all parents of children with statements/EHCPs.
Governing Bodies/Academy Trusts	Consultation document sent to all Chairs of Governing Bodies for maintained schools and Academy Trusts. Discussion at Director's Meeting with Chairs
Headteachers of Barnet Schools/ Academies	Consultation document sent to all Headteachers. Discussion at Director's Meeting with Headteachers. Meetings with Headteachers of Special Schools/ schools with ARPs
Post 16 Institutions	Consultation document sent to all Principals of Colleges and ISPs attended by current Barnet SEN students and those likely to be a provider in the future

Governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales likely to be attended by children or young people from Barnet	Consultation document sent to all Principals of schools/colleges attended by or will possibly be attended by Barnet students with statements / EHCPs
Non-Maintained and Independent Special Schools	Consultation document sent to all Heads of all NM and Independent Special Schools in Barnet and those currently attended by Barnet pupils
Adult Social Care	Consultation document sent to Head of Adult Social Care and 0-25 Service
Children's Social Care	Consultation document sent to Head of Children's Social Care and Children's Intervention team
Barnet Clinical Commissioning Group (CCG)	Consultation document sent and meeting to be arranged
CAMHS	Consultation document sent to Barnet, Enfield and Haringey NH Trust
Hospital Services	Consultation document sent to Royal Free London NHS Foundation Trust

6 BACKGROUND PAPERS

Item 10, Planning for New School Places 2015-16 to 2019-20: Children, Education, Libraries and Safeguarding Committee, 15th September 2014.

Item 10, Preparing to Meet Future Need for Children with Special Educational Needs: Children, Education, Libraries and Safeguarding Committee, 9th March 2015.

Item 8, Future Provision of Specialist Places for Children and Young People with Special Educational Needs and Disabilities: Children, Education, Libraries and Safeguarding Committee, 16th July 2015

Item 9, The future provision of specialist places for children and young people with Special Educational Needs and Disabilities 2015/16 to 2019/20: Children, Education, Libraries and Safeguarding Committee, 6th January 2016