

<b>DECISION-MAKER:</b>	CABINET MEMBER FOR CHILDREN'S SERVICES		
<b>SUBJECT:</b>	SEN REVIEW PHASE 1; STATUTORY PROPOSALS TO ESTABLISH NEW LEARNING CENTRES AT SIX SECONDARY SCHOOLS		
<b>DATE OF DECISION:</b>	18 JANUARY 2010		
<b>REPORT OF:</b>	HEAD OF INFRASTRUCTURE AND CAPITAL SERVICES		
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**STATEMENT OF CONFIDENTIALITY**

None

**SUMMARY**

1. Southampton's schools are being transformed to provide the best educational experience and outcomes for all children and young people. The City's aspirations for children and young people with Special Education Needs (SEN) are at the heart of this ambition.
2. This report outlines the response to the statutory consultation carried out in relation to Phase 1 of the SEN Review, to meet the future needs of the city's secondary school children and young people. It also determines the changes that will be needed in the structure of SEN in resourced provision in secondary schools in order to deliver these services.
3. Phase 1 focuses on the creation of specialist Learning Centres at the five secondary schools currently proposed to be remodelled or refurbished under Building Schools for the Future (Wave 6A). These are; St George Catholic College, Chamberlayne College for the Arts, Upper Shirley High, Bitterne Park and The Sholing Technology College. The report also proposes changes to the specialist provision at Cantell Maths and Computing College for children with specific learning difficulties. This will align with the timetable and enable the proposals to be fed into the Outline Business Case for Southampton's BSF programme, providing state of the art facilities for high quality learning.
4. The report determines that the six new Learning Centres are created for pupils aged 11 to 16 with the following special educational needs:
  - Learning Difficulties (LD) (two Learning Centres)
  - Physical Difficulties (PD)
  - Visual Impairment (VI)
  - Autistic Spectrum Disorder (ASD);
  - Behavioural, Emotional and Social Difficulties Support Provision (BESD) for vulnerable young people
5. This determination has been informed by widespread informal debate, pre-statutory and statutory consultation with a range of stakeholders, including:

schools, colleges and their communities; parents and young people; staff, agencies within the Children's Services Trust/Partnership, other Local Authorities and independent providers. The analysis of pre-statutory feedback was provided in the report of 7 September 2009 and more detailed analysis of feedback for the statutory consultation is provided is attached as Appendix 1.

## **RECOMMENDATIONS:**

- (i) To note the outcome of statutory consultation as set out in Appendix 1 of this report and the associated documents in the Members' Rooms.
- (ii) To approve the following statutory proposals for changes to SEN provision in the city's secondary schools:

(a) Chamberlayne College for the Arts (Foundation School): To add a 12 place Physical Learning Difficulties Centre for boys and girls aged 11 to 16 from 1<sup>st</sup> September 2013.

(b) Upper Shirley High School (Foundation School): To add a 12 place Visual Impairment Learning Centre for boys and girls aged 11 to 16 from 1<sup>st</sup> September 2013.

(c) St George Catholic College (Voluntary Aided School): To add a 10 place Learning Difficulties Learning Centre for boys aged 11 to 16 from 1<sup>st</sup> September 2013.

(d) Cantell Maths and Computing College (Community School): To change the type of existing SEN provision from providing 20 places for pupils with Specific Learning Difficulties to providing 10 places for pupils with a range of Learning Difficulties from 1<sup>st</sup> September 2011. The resultant Learning Centre will provide places for boys and girls aged 11 to 16 years.

To approve the following modified proposals:

(e) Bitterne Park School (Community School): To add a 15 place Autistic Spectrum Disorder Learning Centre for boys and girls aged 11 to 18<sup>1</sup> years from 1<sup>st</sup> September 2013 (modified age range).

(f) The Sholing Technology College (Community School): To add a 10 place Behavioural, Emotional and Social Difficulties Support Learning Centre<sup>2</sup> for vulnerable pupils for boys and girls aged 11 to 16 from 1<sup>st</sup> September 2015 (modified unit name).

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<sup>1</sup> Bitterne Park will have acquired a Sixth Form by September 2013, so the change in age range from 11 – 16 as originally published for the Learning Centre to 11 – 18 reflects this.

<sup>2</sup> Previously referred to in the 7 September 2009 Report as a Nurture Learning Centre and in statutory notices as a Learning centre for emotionally vulnerable pupils.

- (iii) To delegate authority to the Executive Director of Children's Services and Learning, following consultation with the Cabinet Member for Children's Services, to do anything necessary to give effect to the recommendations in this report.
- (iv) To delegate authority to the Solicitor to the Council to take any action necessary to comply with the requirements of the School Standards and Frameworks Act 1998 and associated legislation, and compliance with statutory representation procedures, to give effect to the recommendations in this report.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. To provide high quality placements for the future changing profile of children and young people with SEN, and promote an inclusive approach to meet their additional learning needs
2. To increase flexibility and choice through creating a continuum of provision for SEN from mainstream schools, through Learning Centres to Special Schools.
3. To maximise the funding opportunities from Building Schools for the Future.
4. To achieve value for money by reducing spare places and reducing potential increases in the cost of 'out of city' placements.
5. To continue to improve the quality of provision for children and young people with SEN through developing a network of expertise across the City.

## **CONSULTATION**

6. Pre-statutory consultation with a wide range of stakeholders has included: web-based communication; 'drop in' sessions, focus groups, a schedule of meetings with schools and their communities and a Children's Partnership Conference. Full details of these consultations were provided in the report of 7 September 2009.
7. Statutory consultation was held between 7<sup>th</sup> October 2009 and 18<sup>th</sup> November 2010. It elicited two responses.
8. The first respondent suggested that the proposed two Learning Difficulty (LD) centres were too close together and should be situated in different parts of the city. Whilst we acknowledge that there may be some merit in having one LD centre in the east of the city and one LD centre in the west, there are a number of reasons why St George and Cantell were chosen.
9. Pupils statemented with a Learning Difficulty are predominantly male, so it made sense to situate one of the LD centres in the city's only boys' school, St George. Cantell was about to lose its SpLD unit and so it was an ideal opportunity to re-use that resource as an LD centre. Both St George and Cantell are fairly well accessible to pupils both in the east of the city and the west.
10. The second respondent, whilst fully supporting the proposals, wished to confirm two things. Firstly that should, for any reason BSF not go ahead, then the creation of the Learning Centre would not go ahead; and secondly that pupils allocated to the Learning Centres are supernumerary to the Published Admission Number. We can confirm both of these.

11. The second respondent also raised concern about the need for an early agreement on the initial and ongoing funding of the Learning Centres. We can confirm that the Learning Centres will be funded by redistributing budgets within Children's Services and Learning. One off set up funding will also be agreed with the relevant schools, prior to the Centres opening.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

12. The option to create a new 12 place Learning Centre for pupils aged 11 to 16 with Behaviour, Emotional and Social Difficulties (BESD) at a secondary school in phase one of Building Schools for the Future (Wave 6A) was considered. This option was discarded as small units for children and young people with BESD are difficult to manage within a mainstream school and do not provide a sufficiently broad range of curriculum options for the students. This option was also not supported by the headteachers during initial consultation.
13. The options for creating a 20 place Learning Centre at St George Catholic College or maintaining the 20 place provision at Cantell were considered but discarded. Issues and views were expressed during the consultation about the level of provision and the number of places. The decision to split the 20 places between the schools aims to raise the levels of expertise in both schools and provide more places for boys. This is in response to the significant gap in attainment between boys and girls and the significant difference in the data showing treble the number of boys with Learning Difficulties, compared with girls, whilst maintaining equality of access for girls. It also reduces the impact of large numbers of young people with SEN in a small secondary school like St George, with the associated impact on published examination results. It maximises the opportunity to access funding to provide a state of the art facility at St George through BSF. It is also a rationale for discarding the option of opening the provision at Woodlands, as suggested by one consultee.
14. The number of places in Learning Centres will be kept under review on an annual basis to ensure the provision is fit for purpose and meets the needs of Southampton's young people.

## **DETAIL**

15. These proposals, meet the Statutory SEN Improvement Test set out in the school organisation framework. The proposals will lead to the following improvements in the quality and range of provision for children and young people with special educational needs.
  - a) Improved access to educational provision within a mainstream school by increasing choice and flexibility in the range of placements.
  - b) Improved access to wider school activities, facilities and equipment in state of the art buildings, as outlined in the Local Authority's Accessibility Strategy, Readiness to Deliver and Strategy for Change Part 1 for Building Schools for the Future.

- c) Improved access to Southampton's highly regarded specialist services for children and young people with Visual Impairment and Autistic Spectrum Disorder, including specialist teacher advisers.
  - d) Wider range of provision on offer will mean that parents of children with special needs will have a wider choice when considering options for secondary education.
  - e) There will be more efficient coordination of the 'Team around the Child' within Southampton's Children and Young People's Partnership.
  - f) Increased access to expertise and outreach from specialist services and special schools.
  - g) Increased range of provision for children and young people with Learning Difficulties and those receiving home tuition to boost opportunities and raise standards, narrowing the gender gap in achievement.
16. Impact on other provision within the City:
- a) Reducing the surplus places in the provision at Cantell for children and young people with specific learning difficulties will broaden opportunities for those with a wider range of Learning Difficulties. The 3 students currently placed in the Centre at Cantell will not be displaced as the incremental change to broaden the criteria for admission to the Learning Centre is implemented. The reduction of ten places at the Cantell Learning Centre will be provided through the new 10 place Learning Centre proposed for St George, providing more places for boys to meet the higher level of need within Southampton.
  - b) The increase in specialist provision within mainstream schools is predicted to change the nature of the children and young people in the special school sector. More pupils with profound and multiple learning difficulties will be educated in the special school sector, as increased choice in placements is made available for those young people with less profound difficulties, in line with the increase in parental preference. This may impact on the reorganisation at Phase 2 of the SEN Review and the removal of any surplus places whilst ensuring sufficient capacity for the increasing number of young people with complex needs and longer life expectancy.
17. These proposals for SEN reorganisation contribute to a clear strategic framework to meet the full range of SEN projected for the future. Pupils who are having their special educational needs met more fully, will inevitably perform better and contribute to raising standards in the city, as well as improving their chances of staying on to further education.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

- 18. The capital resources required to deliver the proposals for establishing new

Learning Centres in the five Building Schools for the Future schools will be funded through the BSF Wave 6A programme

19. The BSF programme allows mainstream schools with resourced provision to be allocated an area-per-pupil place to cover additional area or equipment costs over and above the allocated funding based on *BB102: Designing for disabled children and children with special educational needs*, which allows for specialist facilities such as multi-use spaces to support local needs, small rooms used for learning and behaviour support or for SEN services, or spaces for medical or therapy use, equipment, storage circulation and toilets.
20. There will be no major capital required at Cantell as the building is 'Fit for Purpose' as part of a new PFI School.

### **Revenue**

21. The ongoing revenue costs of running the Learning Centres will be met from within the Children's Services and Safeguarding Portfolios. Opening the Centres should lead to cost reductions, for example reducing the need to place pupils in more expensive out of city provision. In addition, some services, and their budgets, which are currently operated within the Safeguarding Division may be relocated to the Learning Centres. It is anticipated that the following budgets will be used to help fund the Centres:
  - a. The Individual Schools Budget
  - b. Special Teacher Advisors
  - c. Out of City
  - d. Behavioural Resource Service
22. One off set up costs for the units will also be funded from the Individual Schools Budget following consultation with the Schools Forum.

### **Property**

23. The property implications arising from this report will be considered as part of the BSF reporting framework. They will be the subject of further detailed consideration in subsequent papers around the whole BSF project. This will include, as required by Financial Regulations, the results of any formal option appraisals where the investment is over £2 million.

### **Other**

24. The SEN Review requires additional resources in terms of staff time and expertise alongside the external consultancy support for the project. In particular, the need for identified staff to work very closely with the 6 schools and their governors to develop the criteria for access to the Learning Centres and the creation of a network of expertise around each specialism with special school colleagues and specialist agencies. These resources will be identified from within the Children's Services and Learning Directorate.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

25. The Local Authority has a duty under section 14 of the Education Act 1996 to secure sufficient high quality places for children and young people with SEN.
26. Proposals for adding or removing SEN units from mainstream schools or for changing the type and nature of existing provision may only be made following public consultation and a statutory decision making process.
27. The procedure for making the changes referred to above is set out in the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007 together the statutory guidance for Local Authorities and Governing Bodies (document in Members rooms) issued by the Secretary of State.
28. The Local Authority will be the decision maker for all proposals. Rights of appeal to the school adjudicator exist in certain limited circumstances

### **Other Legal Implications:**

29. There is a strong national legislative framework that informs the practice of the Local Authority in meeting the needs of children and young people with SEN. The proposed options set out are in line with: the Disability Discrimination Act (2005), the Children Act 2004, SEN Code of Practice (2002) and Every Child Matters (2004). In developing the proposals regard has been had to all material Equalities legislation and the requirements / impact of the proposals on individuals and communities under the Human Rights Act 1998.

### **POLICY FRAMEWORK IMPLICATIONS**

30. Phase 1 of the SEN Review is set within the context of the 2009-2012 Children and Young Peoples' Plan which makes the inclusion of children and young people with disabilities and learning difficulties a key priority. These proposals are set within the 14 to 19 Strategy to broaden the Curriculum, opportunities and pathways for young people with SEN. This will be continued as a focus for the Post 16 provision at the next stage of the SEN Review.
31. It underpins the Council's ambitions and commitment to Estate Strategy and Planning, outlined in the 'Readiness to Deliver' document for BSF, agreed at the full council meeting on the 19<sup>th</sup> March 2009.

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

1.	Response to Statutory Consultation
2.	

**Documents In Members' Rooms**

1.	SEN Review Phase 1 Consultation Booklet.
2.	Copies of the original consultation responses and records of meetings held as part of the consultation.
3.	"Making Changes to Maintained Mainstream Schools (other than expansion) : Decision Makers Guidance for Local Authorities and Governing Bodies".

**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Cabinet Paper of 1 <sup>st</sup> June 2009. Special Educational Needs Review	
2.	Cabinet Paper of 7 <sup>th</sup> September 2009 SEN Review Phase 1: Statutory Proposals to establish Learning Centres at six secondary schools.	

**Background documents available for inspection at:**

**FORWARD PLAN No:** CS03548                      **KEY DECISION?** YES

<b>WARDS/COMMUNITIES AFFECTED:</b>	ALL
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**TO BE DETACHED BY DEMOCRATIC SERVICES**

**REPORT MONITORING FORM**

**THIS FORM MUST BE COMPLETED FOR ALL REPORTS!**

**PLEASE ENSURE YOU COMPLETE THE SECTIONS HIGHLIGHTED IN YELLOW NEAR THE END OF THIS FORM.**

DATE OF DECISION:	18 <sup>th</sup> January 2010
DECISION MAKER:	Cabinet Member for Children's Services
SUBJECT/TITLE OF REPORT:	SEN Review Phase 1: Statutory Proposals to establish Learning Centres at six secondary schools.

KEY DECISION?	<input checked="" type="checkbox"/> <b>YES</b>	[TYPE YES, NO or N/A]
DATE PROPOSAL INCLUDED IN FORWARD PLAN:	<input type="text"/>	
REGULATION 15 EXCEPTION?	<input type="text"/>	[TYPE YES, NO or N/A]
Date notification given to Scrutiny:	<input type="text"/>	N
REGULATION 16 URGENCY?	<input type="text"/>	[TYPE YES, NO or N/A]
Date agreement of Scrutiny obtained:	<input type="text"/>	N
OTHER LEGAL IMPLICATIONS:		Paragraph number/comment:

Human Rights Act 1998:	<input checked="" type="checkbox"/>
Race Relations Act 1976 (as amended):	<input type="checkbox"/>
Disability Discrimination Act 1995	<input checked="" type="checkbox"/>
Crime & Disorder Act 1998(specifically s.17 duty):	<input type="checkbox"/>
Proceeds of Crime Act 2002(Money Laundering):	<input type="checkbox"/>
Freedom of Information Act 2000:	<input type="checkbox"/>
European "State Aid" Guidance:	<input type="checkbox"/>

<b>POLICY FRAMEWORK PLANS:</b>			
Community Strategy	<input type="checkbox"/>	Community Safety Strategy	<input type="checkbox"/>
Annual Library Plan	<input type="checkbox"/>	Education Development Plan	<input type="checkbox"/>
City Performance Plan	<input type="checkbox"/>	Housing & HRA Business Plan	<input type="checkbox"/>
Children & Young Persons Strategic Plan	<input checked="" type="checkbox"/>	14-19 Strategy	<input checked="" type="checkbox"/>
Early Years Development Plan	<input type="checkbox"/>	Youth Justice Plan	<input type="checkbox"/>
Adult Learning Plan	<input type="checkbox"/>	Medium Term Plan	<input type="checkbox"/>
Economic Development	<input type="checkbox"/>	Health and Wellbeing	<input type="checkbox"/>
Local Transport Plan	<input type="checkbox"/>		<input type="checkbox"/>
Plan & Strategies which together comprise the Development Plan			

**KEY AREAS TO BE ADDRESSED/CONSIDERED:**

Organisational Development/Human Resources Issues

Report Tracking

VERSION NUMBER:

DATE LAST AMENDED:

AMENDED BY:

James Howells

## PEOPLE WHO HAVE BEEN CONSULTED IN THE PREPARATION OF THE REPORT

Authors who fail to carry out adequate consultation resulting in deferral will be required to provide reasons.

Name	Departments that MUST be consulted	Date consultation Issued	Date comments Received
Sarita Riley	<b>Legal Services</b>	17/12/2009	18/12/2009
Natalie Noke/Claire Heather	<b>Democratic Services</b>	17/12/2009	17/12/2009
Lynn Franklin	<b>Financial Services</b>	17/12/2009	17/12/2009
Jackie Standen	<b>Head of Organisational Development</b>	17/12/2009	17/12/2009
Nigel Mullan	<b>Property &amp; Procurement Services</b>	17/12/2009	

### Others who have been consulted:

Name	Division/Portfolio	Date consultation Issued	Date comments Received
Michael Moore	Property	17/12/2009	17/12/2009
Sue Allan	Head of CPP	17/12/2009	
Andrew Hind	Head of Infrastrucure and Capital	17/12/2009	
Felicity Budgen	Acting Head of Safeguarding	17/12/2009	
Lesley Hobbs	Principal Officer SEN	17/12/2009	
Karl Limbert	Director of BSF	17/12/2009	
David Griffiths	SEN Manager	17/12/2009	
Julia Katherine	Principle EP	17/12/2009	
Tim Davis	CSL Policy Co-ordinator	17/12/2009	
Claire Hall	BSF Stakeholder Manager	17/12/2009	17/12/2009
Becky Mephram	BSF Senior Projects Co-ordinator	17/12/2009	
Paul Nugent	Head of School Standards	17/12/2009	
Alison Alexander	Head of Young People	17/12/2009	

**Approval by Executive Member:**

Name:

Date:

**Approval by Level 1 Manager:**

Name:

Date:

**Approval by Executive Director/ Policy Coordinator:**

Name:

Date:

**FOR DEMOCRATIC SERVICES USE ONLY:**

DATE AND TIME REPORT RECEIVED:

Date

Time:

LEGAL CLEARANCE:

[TYPE YES or NO]

Name:

FINANCIAL CLEARANCE:

[TYPE YES or NO]

Name:

POLICY CLEARANCE:

[TYPE YES or NO]

Name: