

REPORT FOR: CABINET

Date of Meeting:	11 October 2012
Subject:	Special School SEN Placements Planning Framework
Key Decision:	No
Responsible Officer:	Catherine Doran, Corporate Director of Children and Families
Portfolio Holder:	Councillor Brian Gate, Portfolio Holder for Children, Schools and Families
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Annexe A - Draft Special School SEN Placements Planning Framework

Section 1 – Summary and Recommendations

This report presents the draft Special School Special Educational Needs (SEN) Placements Planning Framework and a series of options to increase capacity in provision for special educational need in Harrow.

Recommendations:

Cabinet is requested to:

1. Agree the aims and guiding principles for the Special School SEN Placements Planning Framework.
2. Agree to wide stakeholder engagement and consultation to develop options to increase provision in special schools and mainstream schools to meet growing demand.

3. Delegate authority to the Corporate Director Children and Families to explore opportunities for collaborations with schools, other boroughs and/or a free school provider to contribute to the increase in provision and submit a free school application if required by the Department for Education.
4. Report outcomes of the consultation in the Spring for Cabinet to agree its Special School SEN Placements Planning Framework with a view to bring forward any necessary statutory proposals.

Reason: (For recommendation)

To undertake a consultation on proposals to increase provision for pupils with special educational needs.

Section 2 – Report

Introduction

1. In Harrow there is provision for pupils with special educational needs in a range of settings including mainstream schools, additionally resourced mainstream school settings, and special schools. Some pupils also attend schools outside of Harrow. Harrow is experiencing a growing and changing population and there is increasing pressure on the current provision for pupils with special educational needs. This is both in the number of places available and also on the funding. A shortfall of local provision increases the costs of placements at provision outside the borough.
2. The Government are introducing significant changes to the special educational needs and disability system and processes, as well as to the role of the local authority and its relationship with schools and stakeholders. The local authority retains statutory responsibility to ensure that there is sufficient high quality provision. However, it is no longer the provider of services, but a commissioner of other providers. The local authority's new role is to champion vulnerable children and young people, parents and families and promote educational excellence.
3. In this context, to meet the increased numbers of children with special educational needs in Harrow, in partnership with stakeholders, a Special School SEN Placements Planning Framework is being developed to ensure that there is sufficient and sustainable high quality provision in Harrow. The local authority will also lead on the development of an overarching Harrow Special Educational Needs and Disability (SEND) Strategy which will inform all future developments for special education needs in Harrow.

4. The draft Special School SEN Placements Planning Framework sets out the national and Harrow context, including details on the pattern of demand, and proposes options to increase the provision and choice for children with special educational needs. A set of aims and guiding principles are proposed to inform the development of short and long term options.
5. The Special School SEN Placements Planning Framework will contribute to the Council achieving its corporate priorities:
 - A Council that listens and leads
 - Supporting and protecting people who are most in need

Why a change is needed

Provision for pupils with special educational needs in Harrow

6. Where ever possible children with special educational needs attend a local school, either a mainstream school, a mainstream school with additionally resourced provision or a special school. For some pupils this maybe an out-borough school. Harrow's population is growing and there is considerable pressure on school places for primary aged pupils. In addition, there is a corresponding increase in the number of pupils with special educational needs. The total number of statements in Harrow has increased by 93 or 9% between 2006 and 2011 calendar years. In addition, the percentage of children with a statement placed in a special school (Harrow, other local authority, independent or non-maintained) has increased from 35% to 43% during the same period. This represents continued pressure and demand for more special school places.
7. The factors contributing to this increasing demand include:
 - rising overall demography
 - increase in premature babies survival rate with the consequent greater percentage of children with severe and complex needs
 - growing number of children with significant learning difficulties moving-in to the borough

National Policy Context

8. The Government is introducing significant reform and change to the special educational needs and disability system. In March 2011, the government published a Green Paper Support and aspiration: A new approach to special educational needs and disability for consultation. In May 2012, the Government published their response to the Green Paper consultation and described the progress made on the implementation of proposals and the next steps. The Children and Families Bill was announced in the Queen's Speech this year with key measures including:
 - Replacing SEN statements and Learning Difficulty Assessments (for 16-25 year olds) with a single 0-25 assessment process and Education, Health and Care Plans from 2014;

- Providing statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education;
 - Requiring local authorities and local health services to work together to plan and commission support across education, health and social care;
 - Requiring local authorities to publish a local offer showing the support available to disabled children and young people and those with SEN, and their families;
 - Giving parents or young people with Education, Health and Care Plans the right to a personal budget for their support;
 - Introducing compulsory mediation for disputes and trialling giving children the right to appeal if they are unhappy with their support.
9. The Children and Families Bill was published in draft format in September 2012. It is expected to be introduced early in 2013 and will proceed through the Parliamentary process.
10. In addition, the Government is also consulting on proposed changes to school funding which will impact on the funding for statements of special educational needs and special schools. Any developments for increasing provision will need to take into account the changes to funding to ensure that they are cost effective.

Local Policy Context

11. The Government's changes will affect the whole of the special education needs system. To ensure that Harrow is best placed to implement the Government's vision within the new funding arrangements, it will be necessary to consider the full implications and develop the overarching Harrow Special Educational Needs and Disability (SEND) Strategy including system and processes. This Strategy will inform all future developments for special education needs in Harrow.
12. This work will take time to complete and to some extent the timescales will be determined by the Government and the legislative process. However, in the interim the Council must meet its statutory obligations to children with SEN and address the current pressure in special schools in Harrow in the immediate and medium term. At this stage the draft Special School SEN Placements Planning Framework is developed in the context of the proposed changes and seeks to ensure that there is sufficient flexibility overtime to ensure that as the changes to the system become clearer, the framework can evolve accordingly. The draft framework will contribute to the wider work to develop the overarching Harrow SEND Strategy.
13. A common element to both the SEND Strategy and the Special School SEN Placements Planning Framework is the issue of transition to adulthood, and the focus on personalisation and the national agenda. In developing the strategy and framework, officers will work together with Adult Services to ensure that there is continuity and sustainability in provision.

14. A range of new opportunities, including the possible benefits that might be available through the West London Alliance (WLA) transport efficiencies programme, are being analysed with the aim of achieving further efficiencies within the Special Needs Transport Service. The placement of children in special educational provision outside the authority is a significant cost driver for transport and increasing capacity locally will enable cost pressures to be managed more effectively.
15. The West London Alliance has developed a policy in consultation with five Local Authorities in the Sub-Region. The policy sets-out the legal framework for the provision of transport and the need to promote within such policies the greater use of sustainable modes of transport and greater levels of independence within service users.
16. Each of the five authorities included in the WLA Special Transport Eligibility Policy are consulting with service users in Autumn 2012.

Aims and Objectives of the Special School SEN Placements Planning Framework

17. The aim of the Special School SEN Placements Planning Framework is to ensure there is a strategic approach to secure sufficient high quality local provision for pupils with SEN and their families that:
 - improves outcomes,
 - is continuous from 0 to 25 years,
 - offers choice,
 - maximises the efficient use of resources.

Guiding Principles

18. To guide the development of options to increase capacity a set of guiding principles are proposed. Provision for children with special educational needs will be:
 - high quality and achieve the best outcomes for children and their families
 - sustainable and demonstrate the most efficient use of resources
 - age appropriate, comprehensive and offer continuity and progression
 - informed by best practice and stakeholders' views
 - shaped by opportunities offered by Government policy for models of school organisation, leadership and governance
 - a commissioned based model with the local authority and health agencies commissioning places and packages of support rather than being the provider
 - effective in increasing local provision and choice to reduce the number of out-borough placements
 - increasing choice for parents by greater support in mainstream schools
 - a model that places the child at the centre and is collaborative in approach
 - flexible to meet changing needs of children and young people

Options considered

19. This strategic approach will give the local authority its best chance of developing capacity in a way which enables Harrow's children and young people to attend specialist provision as close as possible to their home, as well as future proofing against subsequent increases and/or changes in demand.
20. Beyond increasing capacity within the borough, the local authority continues to be conscious of and involved in developments within the West London Alliance of local authorities. Collaborations and partnerships among neighbouring authorities may lead to the development of regional provision that benefits children and families in Harrow.
21. A series of options to increase capacity have been developed to be delivered over the short and medium/long term. The options are a starting point for discussion with stakeholders. It is expected that other options will be proposed during the consultation process building on the current provision that could contribute to short and medium/long term solutions. There is good provision in Harrow's mainstream and special schools and it is expected that the solutions for increasing capacity will evolve and be delivered from within Harrow.
22. As part of the current work, capacity assessments are being undertaken of the four special school sites. The outcome of this will inform the development of the framework and options to increase capacity. This could include some increase in schools' existing capacity in the short/medium as part of the long term solutions. The consultation process will also provide the opportunity to explore further the pupil projections and align the planning for the medium and long term solutions.
23. The proposals are based around pupil special educational needs and age. A summary is presented below and further details are in Annexe 1 of Annexe A.

24. Primary-age pupils with severe and profound learning difficulties

Pressure point:

Increasing number of young children with the most significant learning difficulties to be placed at Woodlands.

Proposed solution:

Relocate the majority of the Foundation stage provision, to increase space for Year 1 - Year 6 pupils.

Options to achieve the solution:

Option 1: Create satellite groups of approximately 6 pupils at two appropriate children's centre sites, ideally to give the geographical spread across the borough		
Benefits	Challenges	Cost and Timescales
<ul style="list-style-type: none"> Enables pupils to attend more local early years provision 	Appropriate locations to be identified.	Revenue cost appraisal to be completed.

<ul style="list-style-type: none"> • Specialist expertise of Woodlands staff available to support the whole setting • Support for families on a more local and integrated basis, which could help to develop parental confidence early on • Potential to extend model in further children's centres if there is demand • Gives time for better assessment of young pupils to ensure best placement from Year 1 onwards (i.e. Alexandra or Woodlands) 	<p>Any modifications and capital works to be completed.</p> <p>Six-month lead-in required to appoint specialist staff and prepare for September 2013 start.</p>	<p>Site feasibility to be undertaken to identify capital requirements and programme.</p> <p>Two sites to be identified by December 2012.</p>
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Option 2: Create early years centre in a new building on the current site

Benefits	Challenges	Cost and Timescales
<ul style="list-style-type: none"> • All pupils on same site, giving easier access to all specialist facilities and staff • Less time and travel for senior staff in liaising with and managing staff in the satellite locations • Consider joint provision across Camrose and Woodlands to establish benefits of staff expertise and resources. 	<p>Identify suitable location on current site. Agree requirements with schools.</p> <p>Any modifications and capital works to be completed.</p> <p>Six-month lead-in required to appoint specialist staff and prepare for September 2013 start.</p>	<p>Revenue cost appraisal to be completed.</p> <p>Site feasibility to be undertaken to identify capital requirements and programme</p>

25. Secondary-age pupils with severe and profound learning difficulties

Pressure point:

Increasing number of young children with the most significant learning difficulties attending Woodlands who will move to the secondary phase at Kingsley.

Proposed solution:

Develop post-16 provision on a different site and/or increase capacity at Kingsley, freeing up space for Year 7 – Year 11 students.

Options to achieve the solution:

- Establish post -16 centre for 80 students to accommodate those from Kingsley (30 students), Shaftesbury (30 students) and currently out-borough (20 students).
- Explore options to develop the provision including school/academies with partners and schools.

Option 1: In partnership with Harrow schools develop post-16 provision on a different site as part of Academy chain/trust or free school with another partner		
Benefits	Challenges	Cost and Timescales
<ul style="list-style-type: none"> • Schools in partnership with provider with expertise in Post-16 to 25 provision. • Partner links with transition to adulthood • Sharing staff expertise • Potential to expand existing curriculum offer. • Aligned to government policy for governance • Professional development opportunities for staff 	<p>Operational from September 2014.</p> <p>Dependent on DfE Free School programme.</p> <p>Developing a governance / organisation model and finding suitable partner/s.</p> <p>Identifying a site.</p>	<p>Revenue/Capital to be assessed.</p> <p>Application window for free schools closes in January 2013.</p>

Option 2: develop as part of Academy chain/trust		
Benefits	Challenges	Cost and Timescales
<ul style="list-style-type: none"> • Could form wider SEND trust in Harrow to act as main provider of services. • Benefits of formal partnership 	<p>Operational from September 2014.</p> <p>Site would need to be identified.</p> <p>Dependent on DfE Free School programme.</p>	<p>Revenue / Capital to be assessed.</p>

26. Secondary-age pupils with moderate learning difficulties, autism and/or behaviour, emotional and social difficulties

Pressure point:

Steady increase in number on roll at Shaftesbury over the last five years and school will be full in September 2012.

Proposed solution:

Develop post-16 provision on a different site and/or increase capacity at Shaftesbury for up to 30 students, freeing up space for Y7-11, and increase high school specialist provision to take away some of the demand for Shaftesbury (12 ASD places at one high school and 12 'vulnerable MLD' places at another high school)

Options to achieve the solution:

- develop post-16 provision on a different site (see options above)
- create 12 specialist resourced provision places for autism in a high school
- create 12 specialist resourced provision places for ‘vulnerable MLD’ in a high school

Option 1: In partnership with Harrow schools develop post-16 provision on a different site as part of Academy chain/trust or free school with another partner (see Option 1 above for Benefits, Challenges, Costs and Timescales)

Option 2: Create 12 specialist resourced provision places for autism in a high school

Option 3: Create 12 specialist resourced provision places for ‘vulnerable MLD’ in a high school

Benefits	Challenges	Cost and Timescales
<ul style="list-style-type: none"> • Retention of pupils in mainstream with peers • Choice of mainstream provision • Broader Curriculum • Staff opportunities • Continuity of provision from primary • Local Harrow school provision 	<p>Schools to be identified.</p> <p>Any modifications and capital works to be completed.</p> <p>Lead-in time to appoint staff and prepare for start.</p>	<p>Preferred location December 2012.</p> <p>Revenue / Capital to be assessed.</p>

27. Primary-age pupils with moderate learning difficulties, autism and/or behaviour, emotional and social difficulties

Pressure point:

Alexandra always at or close to capacity and some pupils now being placed out-borough.

Proposed solution:

Increase mainstream primary specialist provision to reduce some of the demand for Alexandra and consider increased capacity at Alexandra.

Options to achieve the solution:

- create 12 specialist resourced provision places for autism in a primary school
- create 12 specialist resourced provision places for ‘vulnerable MLD’ in a primary school

Option 1: Create 12 specialist resourced provision places for autism in a primary school

Option 2: Create 12 specialist resourced provision places for ‘vulnerable MLD’ in a primary school

Benefits	Challenges	Cost and
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		Timescale
<ul style="list-style-type: none"> • Retention of pupils in mainstream with peers • Choice of mainstream provision • Broader Curriculum • Staff opportunities • Continuity of provision from primary • Local Harrow school provision 	<p>Schools to be identified.</p> <p>Any modifications and capital works to be completed.</p> <p>Lead-in time to appoint staff and prepare for start.</p>	<p>Preferred location December 2012.</p> <p>Revenue / Capital to be assessed.</p>

Next Steps

28. The options to increase provision in Harrow need to be developed further with input from a wide range of stakeholders including parents, schools, voluntary organisations. A consultation will be undertaken during the Autumn Term, and a further report will be presented to Cabinet in Spring 2013.

29. A consultation on the Travel Assistance Policy will also be undertaken in this timeframe. Where there is relevance to the Special School SEN Placements Framework the consultations will be aligned.

Legal Implications

30. Under the Education Act 1996, when undertaking duties to secure the provision of sufficient schools, local authorities are required to have regard to the need for securing that special educational provision is made for pupils who have special educational needs.

31. Local authorities have duties under the Education Act 1996 and associated regulations towards children with special educational need if the child is under the age of 19 and registered at school or under the age of 16 otherwise.

32. The detailed statutory code sets out the detail of how the statutory duties should be exercised, including the following principles:

- A child with special educational needs should have their needs met;
- The special educational needs of children will normally be met in mainstream schools or settings;
- The views of the child should be sought and taken into account;
- Parents have a vital role to play in supporting their child's education;
- Children with special educational needs should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the foundation stage and the national curriculum.

33. Schools and early years providers have responsibility for identifying a child with special educational needs and devise interventions that are additional to or different from those provided as part of the usual curriculum. Where more support is required, external support agencies can assist and advise on tailored support.

34. If school intervention is not sufficient to meet a child's special educational needs, the child can be referred for a statutory assessment

with a view to considering the need for a statement of special educational needs.

35. Where a child has a statement of special educational needs, the local authority is obligated to pay the costs of meeting the educational need.
36. Those concerned with the provision for children with special educational needs must ensure that a child with special educational needs engages in the activities of the school, together with children who do not have such needs, insofar as this is compatible with the provision of efficient education, efficient resources and the needs of the child.
37. The Education Act 2011 made changes to the Academies Act 2010 and once in force will allow the establishment of academy schools providing special educational provision.
38. Draft legislation on the reform of provision for children and young people with special educational needs has been presented to Parliament by the Secretary of State for Education. Whilst a Bill has yet to be laid and any legislation will be subject to the normal Parliamentary process, it is important to consider any planning framework in the context of proposed legislative changes. In summary, the draft legislation proposes the following:
 - Local authorities must seek to identify all children and young people in their area who may have special educational need;
 - Local authorities must seek to exercise their functions with a view to ensuring the integration of special educational provision with health provision and social care provision, where this promotes the well-being of children or young people or improves the quality of special educational provision in the area;
 - Local authorities and clinical commissioning groups must make joint commissioning arrangements about educational, health and care provision for children and young people who have special educational needs;
 - Local authorities and local partners, including governing bodies of maintained schools, proprietors of academies and non maintained special schools and further education institutions, pupil referral units, NHS commissioning board and clinical commissioning group, have a duty of co-operation;
 - Local authorities must publish information about educational, health and social care provision, educational and training provision in and outside its area and arrangements for travel for children and young people who have special educational needs (known as the local offer);
 - Local authorities should secure the provision of education for pupils with special educational needs in mainstream school or post 16 institution, unless this is incompatible with the wishes of the child's parents or the provision of efficient education for others;
 - Where a local authority is of the opinion that it is necessary for special educational provision to be made for a child in accordance with an education, health and social care plan, it must secure an EHC needs assessment and if necessary, secure a plan and maintain it;

- Maintained schools and nurseries, academies, further education institutions and non maintained special schools must admit pupils where an EHC plan names the school or institution;
- Local authorities must prepare a personal budget for a child or young person with an EHC plan if asked to do so by the child's parents or the young person;
- There is a right of appeal by the parent or young person to the First Tier Tribunal, however in relation to appeals concerning issues wider than the naming of a type or particular school, the local authority must arrange mediation and the parties must participate in such mediation.

Financial Implications

Revenue

39. Any increase to special educational needs provision will inevitably have significant financial capital and revenue. Under the new School Funding proposals places at both special schools and specialist resource provision would be commissioned by the Local Authority and funded from Dedicated Schools Grant (DSG). The increase in places would result in a pressure on the DSG budget for high needs pupils and this would have to be considered as part of setting the annual School Budgets.
40. The DfE are currently proposing to amend the funding of post 16 places in special schools and specialist provision. The impact of this change is not yet fully understood but it would need to be considered as part of developing the options for increasing provision.
41. The council has statutory duties around transporting SEN pupils to school that have to be funded from council revenue budgets. The increase in SEN pupils is likely to increase the pressure on the Special Needs Transport budgets. By addressing the increase in pupils through expanding provision in Harrow schools it minimises the need for out of borough placements, which on average have significantly higher transport costs.

Capital

42. The options for increasing provision will all have capital implications. During the consultation period feasibility studies will be undertaken to assess the capital implications. The approach will be to ensure that the most cost effective solutions are developed, addressing condition needs if appropriate.
43. There will be a considerable range in the cost to achieve permanent increase in provision which reflects the individual nature of the schools and their sites. Some sites, due to capacity and stock condition, require minimal capital investment; others will require more extensive investment.
44. There is no specific funding stream for the expansion of special schools although alternative funding streams such as free schools will be considered. Provisional capital bids to support the implementation

of agreed options are being developed for the 2013/14 Capital Bids and for the Medium Term Financial Strategy going forward.

Performance Issues

45. High quality SEN provision contributes to a number of key indicators. The table below includes the SEN achievement gap at KS2 (L4+ at English & Maths) and KS4 (5+ A*-C GCSE inc English & Maths). The gap at KS2 has consistently been narrower than the national gap, however Harrow's gap at KS4 remains wider than the national one.

		Achievement gap between pupils with special educational needs and their peers, based on pupils achieving level 4 or above in both English and mathematics at Key Stage 2	The Special Educational Needs (SEN)/non-SEN gap – achieving 5 A* - C GCSE inc. English and Maths
2008/09	Harrow	45.1%	51.6%
	National	50.9%	46.5%
2009/10	Harrow	49.6%	46.3%
	National	53.5%	45.5%
2010/11	Harrow	47.6%	51.0%
	National	52.4%	47.6%
2011/12 Provisional	Harrow	43.2%	Not available yet
	National	Not published	Not published

46. The Schools White Paper and Education Act 2011 maintain a focus on driving up standards in schools, and place more of the responsibility with the schools directly for their improvement. However, the Local Authority maintains a strategic oversight and enabling role in local education, and continues to monitor educational achievement and key measures such as exclusions and absence.

47. Although the national indicator set has been abolished by the Department for Communities and Local Government, all of the key education indicators remain in place and continue to be reported to the Department for Education (DfE).

Environmental Impact

48. The expansion of provision proposed in the options will have an environmental impact that will need to be considered. Schools account for 50% of the council's total carbon emissions (62% of emissions under the Carbon Reduction Commitment scheme – [CRC]) and will need to play a full part in reducing these emissions by 4% per annum, as set out in the council's climate change strategy.
49. The government's position on whether the council or academies are responsible for emissions under the CRC is yet to be clarified.
50. Planning applications will be required for additional provision and part of the application will be a travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Risk Management Implications

Risk included on Directorate risk register? Yes

51. A summary of high level risks is provided in the table below.

High Level Risks	Consequences	Mitigating/Control Actions
Insufficient provision	High cost out-borough placements	Planning to expand local provision. Consultation with stakeholders.
Lack of support for expansion proposals	High cost out-borough placements	Options developed with headteachers. Consultation with stakeholders.
Insufficient revenue funding	Unsustainable provision	Options being costed in accordance with the government's new funding formula.
Insufficient capital	Provision not delivered and out-borough placements required	Submission of bids to Council's capital programme. Funding from DfE to be identified. Exploring DfE academies and free school programme.

Equalities implications

52. Equality Impact Assessments will be undertaken on options proposed to be taken forward following the consultation.

Corporate Priorities

53. The proposed increase of provision will support the Council's Corporate Priorities:

- United and involved communities: A Council that listens and leads;
- Supporting and protecting people who are most in need;

Section 3 - Statutory Officer Clearance

Name: Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 19 September 2012		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18 September 2012		

Section 4 – Performance Officer Clearance

Name: David Harrington



on behalf of the
Divisional Director
Partnership,
Development and
Performance

Date: 14 September 2012

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental
Services)

Date: 12 September 2012

Section 6 - Contact Details and Background Papers

Contact: Johanna Morgan, Education Lead School Organisation
johanna.morgan@harrow.gov.uk 020 8736 6841

Background Papers:

Green Paper **Support and aspiration: A new approach to special educational needs and disability** published on 11 March 2011.

Government response **Support and aspiration: a new approach to special educational needs and disability – Progress and next steps** published on 15 May 2012.

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208027>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]