

**Report to the Cabinet**

Meeting to be held on Thursday, 7 December 2023

**Report of the (Acting) Director of Education, Culture and Skills**

**Part I**

Electoral Division affected:  
Accrington North; Accrington  
South; Accrington West &  
Oswaldtwistle Central; Pendle  
Central; Pendle Rural;

**Corporate Priorities:**  
Caring for the vulnerable;

**SEND Sufficiency Strategy Implementation – Provision of Special School  
Places and Special Educational Needs Units at Mainstream Schools**  
(Appendices 'A and 'B' refer)

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**Brief Summary**

This report provides an update and the current position on the placements available in Lancashire maintained special schools throughout the county, and the potential risk this poses to Lancashire. There are significant risks to the county council being able to meet its statutory duties associated with the number of additional places required for September 2024.

The report contains a proposal to close Pinfold Primary School in Scarisbrick, Ormskirk as a mainstream school, and to repurpose the building as satellite provision attached to a Special School provision.

The report outlines the proposals to increase the availability of special needs provision throughout the county, through the further development of mainstream school Special Educational Needs Units.

Approval is sought for a feasibility study to be undertaken as a priority across the primary and secondary settings in Leyland, Burnley and Garstang, to identify additional physical space within schools, colleges or alternative Lancashire County Council buildings to change the use of these to become satellite provision for the associated special schools in the area.



In addition, approval is being sought to confirm the budget spend to create additional places from January 2024 at The Loyne Specialist School in Lancaster, Kirkham Pear Tree School, Mayfield Specialist School in Chorley, and Kingsbury Primary School in Skelmersdale.

Finally, approval is being sought on the costings provided for phase 2 of the expansion of West Lancashire Community High School in Skelmersdale.

This is deemed to be a Key Decision and the requirements of Standing Order C19 have been complied with.

### **Recommendation**

Cabinet is asked to:

- (i) Approve the completion of feasibility studies and initiation of informal consultations needed to create 205 additional special school places for September 2024, comprising 104 for children entering reception and/or primary age, 76 for children transitioning into secondary school and 25 post-16 placements.
- (ii) Subject to (i) above, authorise the Executive Director of Education and Children's Services, in consultation with the Cabinet Member for Education and Skills, to review the outcomes of the informal consultations, and to decide whether to proceed with the formal consultations to create the additional 205 special school places identified in (i) above.
- (iii) Approve the initiation of the consultation processes on the proposal to close Pinfold Primary School in Scarisbrick, Ormskirk, as a maintained mainstream provision, and to repurpose the building as satellite special school provision, attached to a special school within the same locality.
- (iv) Approve the individual school project costings for the refurbishment or other building works required to create additional capacity at The Loyne Specialist School in Lancaster, Kirkham Pear Tree School, Mayfield Specialist School in Chorley, and Kingsbury Primary School in Skelmersdale, due to be completed by January 2024.
- (v) Approve the budget for the completion of the second phase of the West Lancashire Community High School in Skelmersdale expansion.
- (vi) Approve the initiation of feasibility studies and informal consultation process to create Special Educational Needs units at West Street Primary School, Colne and Barrowford Primary School, Barrowford.
- (vii) Subject to (vi) above, authorise the Executive Director for Education and Children's Services, in consultation with the Cabinet Member for Education and Skills to review the outcomes of the informal consultations, and to decide whether to proceed with the formal consultations for the development of Special Educational Needs units at the two schools identified in (vi) above.



## **Detail**

This report proposes the development of more specialist provision across Lancashire for children and young people with special educational needs and disabilities, in view of the continuing increase in demand for this type of provision.

### **Update on current position**

This section of the report builds on the September 2023 Cabinet report in which approval was provided to undertake preliminary work to explore the options for increasing the number of places at existing special schools, to ensure sufficiency of provision from January 2024. The September Cabinet report identified that:

- 138 more special school places would be required for pupils with significant learning difficulties and/or autism across the county.
- The shortfall in special school places for children and young people with social, emotional, and mental health needs was addressed by commissioning 383 places within the independent and non-maintained sector.
- 15 expressions of interest had been received from Lancashire special schools wishing to undertake further expansion.

Although the report also referenced a need to increase post-19 provision, this will be considered in the future. The focus of the current report is on the development of provision for pupils of statutory school age and post-16 provision.

The forecast for the number of special school places for children and young people with significant learning difficulties and/or autism has been updated, as more information has become available about the increase in demand for special school places throughout 2023, and the availability of systems that support more accurate modelling.

### **Primary special school places**

This analysis has identified a need to create 104 new special school places for primary children by September 2024. The performance of previous years indicates that, on average, 33% of children with education, health and care plans in reception require a special school place and that there is an annual increase of 4.4% in the number of children taking up special school places more generally. Based on the number of children of reception age with education, health and plans currently this means that at least 174 special school places will be required in September 2024. The information available to date indicates there will be 70 places available for reception aged children from September 2024, from within the existing maintained special school capacity and therefore a further 104 places will be required.

### **Secondary special school places**

At the time of writing this report, there are 703 children in year six with an education, health and care plan, of which 429 currently attend a mainstream school. It is anticipated, based on previous years' performance, that 24% of children in mainstream schools transfer into a special school as they transition into the



secondary phase of their education. This equates to a requirement for 103 additional special school places for children who will be entering secondary school in September 2024. Currently, it is expected that there will be 77 special school places available and therefore there is a requirement for an additional 26 places. These places are for children with significant learning difficulties and/or autism.

There is an additional requirement for special school places for children with social, emotional and mental health needs. In the current year six cohort, there are 66 children with social, emotional and mental health needs. On average, there is a 70% increase in the number of places required for children presenting with this type of need at secondary level, and it is therefore anticipated that there will be a requirement for a total of 115 places in year seven in September 2024. The information currently available indicates there are likely to be 65 places available and therefore an additional 50 places will be required.

Overall, 76 more special school places will be required for pupils transitioning from primary to secondary school in September 2024, comprising 26 places for children with significant learning difficulties and/or autism and 50 places for children with social, emotional and mental health needs.

### **Post-16 specialist provision**

There are two schools in each of the north and south areas that do not have sixth forms. The schools that have sixth forms in these areas are at capacity for the next year. There is therefore a further requirement to create an additional nine post-16 places in the north area and 16 in the south for September 2024. These places will be needed for young people with significant learning difficulties and/or autism.

### **Location of additional special school places**

The distribution of all 205 additional special school places that will be required as presented above across the county is presented in the table below.

Geographical Location	Location for additional capacity:	Primary Places Needed	Secondary Places Needed	Specialist College
South – Preston, South Ribble, Chorley, and West Lancashire	Leyland	39	Learning Disabilities/Autism Spectrum Disorder – 10 Social, Emotional, Mental Health – 19	16
East- Burnley, Pendle, Hyndburn, Ribble Valley, and Rosendale	Burnley	42	Learning Disabilities/Autism Spectrum Disorder – 10 Social, Emotional, Mental Health – 15	



North – Lancaster		11	Learning Disabilities/Autism Spectrum Disorder – 6 Social, Emotional, Mental Health – 9	9
North - Fylde, and Wyre		12	Social, Emotional, Mental Health - 7	

It is perhaps worth noting that the North is separated into geographical areas. If it is not possible to secure additional places within the specific localities identified above, there may need to be a consideration for identifying suitable spaces within a central location for the North, to be used as a satellite provision that all pupils in this area can access.

In summary, there is a need to create 205 additional special school places for September 2024, comprising 104 for children entering reception and/or of primary age, 76 for children transitioning into secondary school, of which 26 for children with significant learning difficulties and/or autism and 50 for those with social, emotional and mental health needs and 25 post-16 placements.

### **Pinfold Primary School, Scarisbrick, Ormskirk**

Pinfold Primary School is a local authority maintained mainstream school for children aged between four and 11 years. In September 2023, the Governing body of the school held a meeting and made the decision to close the school as it is no longer financially viable. The school has a pupil admission number of 51 and there are currently four pupils on roll. The school is therefore no longer financially viable, and there are sufficient mainstream school places in the neighbouring schools to accommodate pupils in the local area.

It is therefore proposed that a stage one consultation be undertaken on a proposal to close Pinfold Primary School as a mainstream school, and to repurpose the building to create special school satellite provision attached to a maintained special school within that location. As outlined above, there continues to be increasing demand for special school places in the South of the county, and this proposal will serve to mitigate some of the risk in the local authority being able to fulfil its duty in providing sufficient school places.

### **Primary special school provision for January 2024**

In September 2023, Cabinet approved the initiation of feasibility studies and informal consultation processes to expand and increase the numbers of special school places in The Loyne Specialist School, Kirkham Pear Tree School, Acorns Primary School, Mayfield Specialist School, The Coppice School and Kingsbury Primary School, for the more immediate need to create an additional 39 special school places for primary aged children from January 2024. The feasibility studies and informal consultations are not required for the immediate increase in places as the number of increased places for January in each of the settings will not exceed 10%. Feasibility



studies and informal consultations will take place for any further increases in the number of places.

The proposal at the time was that eight and nine places would be created in The Loyne Specialist School and Kirkham Pear Tree School respectively, and that this would be sufficient to meet demand in the north of the county. Similarly, it was proposed that 12 places would be created at Kingsbury Primary School, to fulfil the requirement for additional special school places in West Lancashire. The feasibility studies have been completed with respect to these expansions and support the original proposals.

Three options were put forward to create the ten places that were required in the Preston/Chorley area of the county. These schools were Acorns Primary School, Mayfield Specialist School and The Coppice School. The conclusion from the feasibility studies completed for these three schools was that Mayfield Specialist School provided the best option, as it would be the easiest to complete by January 2024, because of the groundworks required. It is therefore expected that the additional 39 special school places required from January 2024 will be created in the following four schools:

- Kirkham Pear Tree School, Kirkham – 9 places
- The Loyne Specialist School, Lancaster – 8 places
- Mayfield Specialist School, Chorley – 10 places
- Kingsbury Primary School, Skelmersdale – 12 places

The provisional costings were approved by Cabinet on 7 September 2023. Cabinet is asked to approve the individual school project costings identified for each of the four schools above, set out at Appendix 'A'; these costings do not exceed the previously approved overall provisional costing.

### **West Lancashire Community High School, Skelmersdale**

West Lancashire Community High School is a special school for pupils aged between 11 and 19 years with significant learning difficulties and/or autism.

In March 2023, an urgent decision was taken by the Leader of the Council and the Cabinet Member for Education and Skills, on behalf of the Cabinet, in accordance with the provisions of Standing Order C16(1). The reason for urgency was that the county council had a legal duty to ensure adequate provision was made for pupils with special educational needs and disabilities, including post-16 learners. Regulation 18 of the Special Educational Needs Regulations required that the Education Health and Care plan must be reviewed and amended before 31 March, if the transfer was from secondary school to a post-16 institution. The demand on special school places in 2022/23 was such that there would not be enough places for those that required them without this additional capacity at West Lancashire Community High School, which was the reason for seeking an urgent decision before 31 March 2023.

Following consideration of the responses received in respect of the statutory consultation, approval was given to permanently increase the number of special



school places at West Lancashire Community High School by 50 places, from 126 to 176. This increase was through expansion of provision on the school site. Funding was also approved for the completion of phase one of the expansion, which was to provide up to 20 places for young people aged 16 – 19 who continued to require a placement in a special school as from September 2023.

The county council has a legal duty to ensure adequate provision is made for pupils with special educational needs and disabilities. In order to assist in mitigating some of the risk associated with Lancashire not being able to fulfil its statutory duty in terms of providing sufficient special school places, Cabinet is asked to approve the budget to complete phase 2 of the expansion of West Lancashire Community High School. Phase 2 of the expansion will provide up to a further 20 places for children and young people aged 11 – 16 years.

Phase 3 of the project will be the subject of a future Cabinet report in respect of the final 10 proposed places at West Lancashire Community High School.

### **Special Educational Needs Units**

Approval is being sought to initiate feasibility studies and the informal consultation process in respect of the following two schools:

- West Street Primary School, West Street, Colne
- Barrowford Primary School, Rushton Street, Barrowford, Nelson

Both schools are judged to be good schools by Ofsted. Preliminary investigations indicate that these schools may already have the space needed to accommodate the development of a Special Educational Needs unit.

Barrowford Primary School already has a Special Educational Needs unit for up to 16 children with social emotional and mental health difficulties. The current proposal is for a further unit for up to 16 children with social communication and interaction needs.

The addition of a Special Educational Needs unit to a mainstream school is considered to be a prescribed alteration, and therefore the local authority is required to complete the necessary statutory processes, in order to implement this type of permanent change. The informal consultation is not a requirement of the statutory process although it is recommended.

Cabinet is asked to authorise the Executive Director of Education and Children's Services, in consultation with the Cabinet Member for Education and Skills, to review the outcomes of the informal consultations, and to decide whether to proceed with the formal consultation to establish a Special Educational Needs unit at West Street Primary School and Barrowford Primary School.

The results of the formal consultation and feasibility study will be presented to Cabinet for final approval for the permanent addition of the Special Educational Needs unit later this year.



## Appendices

Appendix 'A' & 'B' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Breakdown of costings for four settings to increase pupil numbers from January 2024
Appendix 'B'	Costings for phase 2 of the special school expansion at West Lancashire Community High School

## Consultations

N/A

## Implications:

This item has the following implications, as indicated:

### Risk management

The county council and partners across education, health and care are required to work together to plan for and meet the needs of children and young people who have special educational needs and disabilities, in line with the Special Educational Needs and Disabilities Code of Practice 2014.

If the decision was not to proceed with the proposals contained within the report, the risk would be insufficient places and potential for increased costs out of area. This proposal only mitigates some of the risk of this and the county council failing in its duty to provide sufficient school places and risk to reputational damage of the county council.

There would also be a continued risk to a considerable overspend on the revenue-high needs block funding as places would have to be sought in the Independent sector at considerable cost to the local authority.

### Property Asset Management

The approval of a school expansion that requires a build project that will extend the footprint of the building will be subject to obtaining relevant planning permission and Section 77(3) consent for the change of use of the land (or meeting the terms of The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014.)

Works to premises necessary in respect of increasing the availability of special school provision is identified through the feasibility studies.

### Procurement

The selection of contractors to undertake the capital works will be carried out in full compliance with the Public Contract Regulations 2015, either through the use of





established frameworks or through undertaking a compliant procurement exercise following the county council's Procurement Rules, where appropriate.

## **Financial**

Any building works that are agreed by the authority outlined in the proposals to increase the availability of special needs provision throughout the county will be funded via the High Needs Provision Capital Allocation and capital receipts arising from the disposal of assets previously held for education where appropriate. The High Needs allocation is grant funding and the amounts of funding available may limit the schemes that are deliverable.

By increasing the county council's internal Special School Provision, this will enable progress to be made towards keeping up with the demand for special school places and reducing reliance on the use of independent school placements which present a growing pressure on revenue- high needs block funding.

The demand for special school places increased by 10.7% in 2022, in comparison with 2021. Prior to this, the average increase in demand has been 8% per year. The indicative funding allocations for the High Needs Block are expected to increase by 3% per year. This is likely to increase the gap between expenditure and funding over the next few years. Special Educational Needs and Disabilities sufficiency work is being carried out to address these issues, and to prevent Lancashire County Council going into a High Needs Deficit Position. The additional internal places created will therefore help to support the growing financial pressures on the revenue - High Needs Budget.

Financial implications are set out at Appendices 'A' and 'B' and are deemed to be Part II and exempt from publication as the appendices contain information relating to the financial or business affairs of any particular person (including the authority holding that information). There are sufficient funds currently uncommitted to meet the costs of this project. Works to the two other schools mentioned in the earlier paper is now no longer required as these four schools provide the places required at this point in time. Should this change in the future then a further report to cabinet will be required.

## **Equality and Cohesion**

This proposal impacts on both the age (young people) and disability protected characteristics of the Equality Act 2010 and is designed to contribute positively to the Public Sector Equality Duty's general aim of advancing equality of opportunity and its related aim of increasing participation in public life for these children and young people, their families and carers.



## List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

Appendices 'A' and 'B' are not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The appendices contain information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

