

Report to the Cabinet

Meeting to be held on Thursday, 4 March 2021

Report of the Executive Director of Education and Children's Services

Part I

Electoral Divisions affected:
All Divisions

Developing Provision for Children and Young People with Special Educational Needs and Disabilities

(Appendices 'A' to 'E' refer)

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Executive Summary

This report sets out the responses to the formal consultations for four proposals that support delivery of the SEND Sufficiency Strategy approved by Cabinet on 1 October 2020.

These proposals relate to the creation of special educational needs units formally set up within mainstream schools, and the creation of additional special school places through the relocation and expansion of Broadfield Specialist School and the expansion of Sir Tom Finney Community High School.

The implementation of these proposals will support the Council to fulfil its responsibilities for ensuring the sufficiency of provision for children and young people with special educational needs and disabilities.

Subject to Cabinet approval for the proposal to relocate Broadfield Specialist School to the site of Hameldon Community College, the report also outlines the requirement for additional temporary accommodation on the existing site of Broadfield Specialist School in order to ensure there is sufficient specialist provision available in the area in the shorter term.

The report concludes with an update on developments in relation to the implementation of other elements of the SEND Sufficiency Strategy.

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

Recommendation

Cabinet is asked to:

- (i) Consider the results of formal consultations, following the publication of statutory proposals, and approve the prescribed alterations to Barrowford Primary School and St Leonard's Voluntary Aided Church of England Primary School, in order to establish a special educational needs unit within each of these schools;
- (ii) Consider the results of formal consultations following the publication of statutory proposals, and approve the prescribed alterations that will permit the expansion and relocation of Broadfield Specialist School and the expansion of Sir Tom Finney Community High School;
- (iii) Subject to (ii) above, approve the installation of two temporary classrooms on the current site of Broadfield Specialist School, in order to ensure sufficiency of specialist provision prior to the relocation and expansion of the school; and
- (iv) Receive an update, note, consider and comment on the implementation and review of the SEND Sufficiency Strategy.

Background and Advice

The SEND Sufficiency Strategy 2020 was developed in response to the increase in demand for specialist provision in particular areas across Lancashire, and within the context of increased pressure on the high needs block funding.

The SEND Sufficiency Strategy sets out a range of approaches that will be adopted, to ensure there is enough of the right type of special educational provision available for the children and young people of Lancashire who need it. Included within the strategy are a number of proposals and associated capital projects which will support the implementation of the Sufficiency Strategy. The proposals within this report are set out below.

On 1 October 2020, Cabinet gave approval for the publication of statutory proposals and initiation of formal consultations for significant changes linked to the sufficiency strategy in six schools. Four of these proposals have been taken forward and are the subject of this report. Decisions were made by the headteachers and governing bodies of the other two schools, Lytham Church of England Primary School and Weeton Primary School, not to proceed with the publication of the statutory proposal at the time.

Cabinet also gave approval on 1 October 2020 to seek further expressions of interest from mainstream schools to develop more on-site special educational needs units for children and young people with social, emotional and mental health needs or autism spectrum disorders. An update on this is provided in the Implementation of the SEND Sufficiency Strategy Update section of this report.

This report provides an update on four of the proposals that have progressed through to the final stages of the statutory process, required to make a significant change or prescribed alteration to a school. Cabinet approval for these and the capital projects required to deliver them will enable action to be taken to implement the identified changes to the schools concerned.

The prescribed alterations that are relevant to this report are set out below:

- establishing special educational needs provision within a mainstream school (the creation of special educational needs units at Barrowford Primary School and St Leonard's Voluntary Aided Church of England Primary School);
- expansion onto a new site and changes to the numbers of pupils in a special school (the expansion and relocation of Broadfield Specialist School);
- enlargement of premises and changes to the number of pupils in a special school (the expansion of Sir Tom Finney Community High School).

This report is divided into three sections, which are as follows:

- a) An updated overview of the demand for and availability of placements for children and young people with special educational needs in Lancashire.
- b) The outcomes of formal consultations, following the publication of statutory proposals that have been undertaken for the four capital projects identified above, and a recommendation for Cabinet to agree the implementation of these changes. This section will provide a rationale and seek approval for the installation of two temporary classrooms on the current site of Broadfield Specialist School.
- c) An update on other developments relating to the implementation of the SEND Sufficiency Strategy.

Special Educational Needs in Lancashire

The Local Authority has a statutory responsibility to ensure that children with SEND receive the support they need. More detailed information about the Lancashire position in relation to the placement of children and young people with special educational needs is provided in the SEND Sufficiency Strategy, and has been provided in the reports presented to Cabinet on 16 January 2020 and 1 October 2020. This section will therefore be limited to an update and comparison with data that has been provided previously.

In January 2019, 3.1% of children and young people in Lancashire schools had education, health and care plans. This was consistent with the national figure. In January 2020, the percentage of children and young people with an education, health and care plan increased by 0.1% to 3.4%, in comparison with the previous year. Overall in England, in January 2020, 3.3% of children and young people had education, health and care plans. This 0.1% difference in 2020 equated to in excess of 200 children and young people in Lancashire.

No benchmarking data for January 2021 was available at the time of writing this report. Data to be submitted to the Department of Education however indicates 3.7% of children and young people will have education, health and care plans maintained

by the Local Authority in January 2021. This is an 8.8% increase in the number of plans maintained by the Local Authority in comparison with January 2020. This is a greater increase than was evident between 2019 and 2020. It is also greater than the anticipated percentage increase in population which is estimated to be in the region of 3.1% in January 2021, in comparison with January 2020.

The number of children and young people with education, health and care plans in Lancashire being educated in special schools has also increased over the last year. The percentage increase in the number of children and young people being educated in special schools is however lower than the percentage increase in number of plans maintained by the authority. As previously stated, national data was not available at the time of writing. It seems likely however that although a greater proportion of children and young people continue to be educated in special schools in Lancashire, in comparison with other authorities it is also possible that the picture in Lancashire is becoming more aligned with that presented nationally.

Formal consultation outcomes and recommendations

'Pre-publication' informal consultations were completed between 10 July and 18 September 2020 for all four schools. The outcomes of the informal consultations were presented to Cabinet on 1 October 2020, as a result of which approval was given to proceed to the formal consultation stage for each school.

Statutory proposals were published for each of these on 11 December 2020, and formal consultations were undertaken between 11 December 2020 and 22 January 2021. More specific information about the nature of each change being proposed is provided in the table below.

School name	Location	Age range	Type of special educational need	Nature of change
Barrowford Primary School	Colne and Nelson	4 to 11 years	Social, emotional and mental health	Establish a special educational needs unit for up to 16 places that will be phased in over time
St Leonard's VA Church of England Primary School	Accrington and Burnley	4 to 11 years	Social communication and interaction	Establish a special educational needs unit for up to 16 places that will be phased in over time
Broadfield Specialist School	Accrington and Burnley	11 to 19 years	Generic learning difficulties	Expansion and relocation of a special school. Currently there are 150 pupils on roll. 60 more places to be created to give a total of 210 places
Sir Tom Finney Community	Preston and Leyland	11 to 19 years	Generic learning difficulties	Expansion of a special school by opening up the upper floor. Currently there

High School				are 173 pupils on roll, 72 more places to be created to give a total of 245 places.
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The statutory proposals for each of the schools above were published on 11 and 18 December 2020 in the printed versions of the local newspapers for each school; they also appeared in the online versions of the same papers. The statutory proposal notice for Broadfield Specialist School was published in the Accrington Observer and the Burnley Express. The statutory notices were posted in a conspicuous place on each of the school premises, at the entrances to each school and on all of the schools' websites.

The statutory proposals for Broadfield Specialist School and Sir Tom Finney Community High School were also sent to all of the local authorities that commission places at both of these schools. The statutory proposal for St Leonard's Voluntary Aided Church of England Primary School was circulated to the Church of England diocese. The publication of the statutory proposals coincided with the start of the formal consultation period, which for each of the schools comprised:

- the circulation of the statutory proposal to the governing body and the parents of every registered pupil at the school;
- an online survey via the Lancashire County Council 'Have your say' website that was made available to the parents of children attending, the staff and governing body of the school concerned as well as another interested parties;
- access, on request, to a paper copy of the information provided in the online survey;
- meetings for each of the schools for parents, staff, governing bodies and other interested parties convened by each school through online video conferencing facilities. Face to face meetings were arranged for three of the four schools initially, although these were changed to virtual meetings, following the introduction of the new lockdown restrictions in January 2021. Two meetings were arranged for Broadfield Specialist School and one for each of the other schools.

Barrowford Primary School

There was a total of 22 respondents to the online survey and, of these, 72% strongly agreed or tended to agree to the proposal; 5% tended to disagree and 24% strongly disagreed. 67% of respondents were the parent or carer of pupils currently attending the school; 5% of respondents were members of staff at Barrowford Primary School, and the remaining respondents were either school governors, members of the local community or identified themselves as 'other'.

The comments provided by respondents who agreed with the proposal included reference to the benefits of building on existing inclusive practice in the school and the potential advantages afforded individual children. Reference was also made to the need for more specialist provision within the local area and more generally.

A range of different comments were provided by the limited number of respondents who disagreed with the proposal. Comments relating to the potential impact of pupils

attending the special educational needs unit on pupils already attending the school were addressed during the formal consultation. One respondent questioned the motives behind the proposal and two raised concerns about the potential for congestion around the school site at the start and end of the school day. The same respondents also expressed concern that the proposal had not been publicised sufficiently. The actions taken to circulate the information are identified in the preceding section and are in line with government requirements.

The equality impact analysis for this proposal is provided at Appendix 'A'.

St Leonard's Voluntary Aided Church of England Primary School

Only four responses were received in relation to the formal consultation for this school. Three of these were from parents or carers of pupils already attending the school or from those who would like to attend in the future, and one other. All strongly agreed with the proposal, making reference either to the need for this type of support for individual children, or more generally about schools seeking to meet the need of the community.

The equality impact analysis for this proposal is provided at Appendix 'B'.

Broadfield Specialist School

There was a total of 43 respondents to the online survey and of these 93% strongly agreed or tended to agree to the proposal; 3% neither agreed nor disagreed and 3% tended to disagree. 50% of respondents were members of staff at Broadfield Specialist School and 31% of respondents were the parent or carer of pupils currently attending the school. Other respondents were either school governors, members of the local community or identified themselves as 'other'.

Comments provided by respondents who strongly agreed or tended to agree with the proposal generally made reference to the improved facilities and more space. It was considered by some that the improved facilities would support better teaching and learning, particularly in relation to specific subject areas such as science and physical education; the latter is taught off site some of the time currently.

More space was identified as being important for a number of different reasons. It was considered for example that wider corridors would enable movement around the school for pupils in wheelchairs, there would be more rooms available to provide personal care and that a larger hall would permit whole school activities that are not available to pupils on the current school site. A smaller number of respondents made reference to the increased number of places that would become available for pupils with special educational needs.

The three respondents who either disagreed or did not agree or disagree with the proposal expressed concerns about the loss of the school within the local community, and that they were unclear about the rationale for this. Other concerns raised included the level of disruption to staff and pupils and potential loss of the school ethos. It is expected that the majority of staff would move to the new site, including the senior leadership team, and that there would be no increase in existing

class size, therefore the overall ethos would not change significantly. All other issues were addressed during the formal consultation.

The equality impact analysis for this proposal is provided at Appendix 'C'.

Sir Tom Finney Community High School

There was a total of 18 respondents to the online survey and, of these, 89% strongly agreed or tended to agree to the proposal and 12% strongly disagreed. 53% of respondents were members of staff at Sir Tom Finney Community High School and 18% of respondents were the parent or carer of a pupils currently attending the school. Other respondents were either school governors, members of the local community or identified themselves as 'other'.

The main reasons given for agreeing with the proposal were that more special school places were needed, the expertise and good practice already available within the school could be easily extended to support a greater number of pupils, and it made better use of the space already available within the school site.

The concerns raised related mainly to congestion and parking. This issue was also raised during the informal consultation and steps will be taken to address this, if this recommendation is approved to implement proposal.

The equality impact analysis for this proposal is provided at Appendix 'D'.

Implementation of the SEND Sufficiency Strategy update

This final section provides Cabinet with an update on the implementation of the SEND Sufficiency Strategy. The strategy identifies eight strategic priorities. This update relates primarily to those associated with improving access to mainstream education, and ensuring there is sufficient range of provision so that all children and young people with education, health and care plans have access to the right provision at the right time.

The 'Special Educational Needs in Lancashire' section above indicates there is a year on year increase in the number of children and young people with education, health and care plans maintained by the Local Authority. It is however also anticipated that a smaller proportion of these children and young people will attend more specialist education this year in comparison with last year, and that the figures would appear to be moving towards the national average. The change toward the national figure is somewhat limited although this is not entirely unexpected. Very few children and young people leave existing specialist provision, whether state funded or within the private sector, until the school leaving age. This means that any change of this nature is likely to occur gradually over a number of years.

Further work is being undertaken with Whole School SEND, which is an organisation commissioned by the Department for Education to support leaders understanding of the local area. A series of workshops is being planned this term with the SEND Partnership Board and the Lancashire headteachers' associations. These will involve the dissemination of data, support the identification of any underlying trends, which

in turn will be used to inform further consideration of the principles of leadership of special educational needs across educational settings.

In terms of developing the range of specialist provision the Executive Director of Education and Children's Services sent a letter to all schools on 6 November 2020 requesting further expressions of interest. Seven additional expressions of interest were received by primary schools and one from a secondary school by the closing date of 13 December 2020. These are all currently under consideration, and it is anticipated that informal consultations for those being taken forward will begin this term, so that formal consultations can be completed before the end of the academic year, ready for implementation in January 2022.

Lancashire is a net importer of pupils requiring specialist provision; that is, more children and young people move into the county who need special school places, than leave. Furthermore, the measures required in special schools to ensure the safety of all pupils during the COVID-19 pandemic has served to reduce the amount of space available within these schools. In order to address these issues, and to reduce reliance on independent and non-maintained provision, Cabinet is asked to consider and either approve or comment on the proposals put forward, and the approaches being adopted, as set out below.

A more centralised approach for the allocation of special school places across the county has been implemented this year. As a result of which, it has been determined that additional capacity will be required in a number of different locations and specifically that more special school places will be required in the east area of the county. Cabinet is therefore asked to approve the installation of two temporary classrooms on the current site of Broadfield Specialist School. This will ensure the sufficiency of specialist provision prior to the proposed relocation and expansion of the school.

Consideration is also being given to the development of a number of special school satellite classes within mainstream settings, to create additional capacity to accommodate children and young people, who either move into Lancashire or who require an in-year change of placement to a special school. In recent years, additional children and young people requiring a special school place during the course of an academic year, tend to be placed within the independent and non-maintained sector as these are the only schools with available places. The proposal to create additional satellite special school classes should serve to reduce dependency on out of county provision and, within certain parameters, are not considered to be significant changes or prescribed alterations and therefore could be in place before September 2021.

Further work will be undertaken in the next few months to refine the SEND Sufficiency Strategy as better forecasting tools have become available to the Local Authority.

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, there would be a risk of insufficient places being available for children and young people with special educational needs and disabilities within the county, and potential for increased costs for out of area placements. This proposal mitigates the risk of this and the Council failing in its duty to provide sufficient school places.

Financial Implications

High needs funding within the dedicated schools grant supports provision for children and young people with special educational needs and disabilities. This funding enables local authorities and education providers to meet their statutory duties under the Children and Families Act 2014.

The escalating pressures on the high needs block are not unique to Lancashire; the special educational needs reforms introduced through the Children and Families Act in 2014 placed new statutory duties on all Local Authorities, which included an extension in the age range from birth to twenty-five years, previously this was up to school leaving age of sixteen for the majority of young people.

Nationally, the average spend on high needs has increased, high needs block allocations fall short of existing levels of expenditure, and the net deficit continues to rise. This is despite increased funding and significant 'propping up' of the high needs block.

The Local Government Association and ISOS Partnership recently published a joint piece of research, reviewing the funding for children and young people with special educational needs and disabilities. This was a detailed research project drawing on large numbers of local authority databases, and with which Lancashire County Council was involved. One of the key findings of this research was that: "If the system were to continue as now, and we project forward the current reported level of deficit, we estimate that there could be a national deficit on high needs spending between £1.2 billion and £1.6 billion by 2021."

The Council has undertaken its own preliminary financial forecast. The initial findings indicate a potential shortfall of approximately £42 m by 2023/24, within a possible range of £30m to £50m. This forecast takes into account national and local trends, and assumes no additional funding will be made available from the government, or through the transfer of funds from the schools' block.

85% of expenditure is on funding places and top-up funding for children and young people with an education, health and care plan, and is therefore committed to individual children/placements. It will be necessary to maintain the majority of these over time, and at the very least until the child or young person reaches the end of a particular phase of their education.

Lancashire's allocation of the Special Provision Capital Funding provided by the government is £3.5m. The purpose of this funding is to help local authorities ensure there are sufficient good school places for all pupils, including those with special

educational needs and disabilities. This funding can be used to establish new school places.

An additional £8m has been allocated from the basic needs grant for Lancashire, to provide sufficient school places for children and young people with special educational needs and disabilities.

Further financial implications are set out at Appendix 'E' and are deemed to be Part II for the reason set out below:

This section of the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Equality and Cohesion

In making any changes to provision the local authority must comply with the Public Sector Equality Duty, which requires 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The proposed increase in provision available in Lancashire will improve what is available for children and young people with special educational needs and disabilities.

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. The information contained within the report indicates that there are fewer children and young people educated in mainstream schools in Lancashire than nationally. There are also more children educated in specialist provision and secondary alternative provision than nationally.

The lack of access to supported provision in mainstream schools and to local specialist provision of particular designations and for those with the most complex needs is resulting in some children and young people travelling to schools outside their community.

List of Background Papers

Paper	Date	Contact/Tel
None		

Reason for inclusion in Part II, if appropriate

Appendix 'E' is not for publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains 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.