

## Report to the Cabinet

Meeting to be held on Thursday, 4 November 2021

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

#### Part I

Electoral Division affected:  
All in North Lancashire

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

### Developing Provision for Children and Young People with Special Educational Needs and Disabilities – Proposal for the Expansion of Thornton Cleveleys Red Marsh School

(Appendices 'A' to 'E' refer)

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#### Brief Summary

This report provides the outcomes of the feasibility studies and consultation that have been completed in relation to a proposal to expand Thornton Cleveleys Red Marsh School. This school is a mixed special school for pupils with generic learning difficulties. It is being proposed this school expansion will be achieved through the creation of three additional classes on a separate 'satellite' site located 1.6 miles away from the main school site. The separate 'satellite' provision will be operated as part of Red Marsh School and will create up to 30 more special school places.

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 the formal consultation, following the publication of the statutory proposal and, subject to the detailed analysis of the consultation responses and the Equality Impact Assessment which will be shared with Cabinet ahead of the meeting, approve the creation of separate 'satellite' provision to expand Thornton Cleveleys Red Marsh School, to increase the number of special school places from 94 to 124.
- (i) Approve the funding as set out at Appendix 'C'.

## **Details**

The SEND Sufficiency Strategy 2019-2024 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 implementation of SEND Sufficiency Strategy enables the county council to fulfil its statutory duties, in relation to the provision for children and young people with special educational needs and disabilities.

A copy of the SEND Sufficiency Strategy is set out at Appendix 'A'.

The proposal included within this report is consistent with the principles and priorities that were identified within the SEND Sufficiency Strategy, and a further review of SEND provision that was carried out in June 2021. This later review identified a particular demand for special school places for children and young people with learning difficulties in the Fleetwood/Lytham St Annes area.

In September 2021, Cabinet gave approval to the initiation of a feasibility study and the formal consultation process to expand and increase the number of school places at Thornton Cleveleys Red Marsh School. This followed on from a consultation with the headteachers of the three special schools for children and young people with learning difficulties in the Fleetwood/Lytham St Annes in July 2021. These schools are Great Arley School, Kirkham Pear Tree School and Thornton Cleveleys Red Marsh School. The consensus during this consultation was that any expansion of special schools in that area during the Autumn term 2021 should prioritise Thornton Cleveleys Red Marsh School.

## **Consultations**

### **Informal consultation**

Thornton Cleveleys Red Marsh School is a school for children and young people between the ages of two and 19 years with severe learning difficulties, profound and multiple learning difficulties and autism spectrum conditions. It has been identified as an outstanding school by Ofsted since 2011. The school is over-subscribed and there is no available space within the existing school building for expansion. As outlined in the report considered by Cabinet in September, three options for expanding the school site were considered as follows:

- The creation of three additional classrooms on the Haven site, which would create up to another 30 special school places. The Haven is a vacant school building on the site of Northfold County Primary School which has recently been used to store county council furniture and equipment. It is 1.6 miles away from Thornton Cleveleys Red Marsh School. This would provide separate 'satellite' provision operated as part of Thornton Cleveleys Red Marsh School.
- Building another classroom on to an existing part of Thornton Cleveleys Red Marsh School building to create up to ten more special school places.
- Installing a modular building on the Thornton Cleveleys Red Marsh School site. This would create two more classrooms for up to 20 more pupils.

The informal consultation with interested parties, including families, staff and the governing bodies of both Thornton Cleveleys Red Marsh School and Northfold Community Primary School continued until 20 September 2021. This period of consultation included separate meetings for interested parties at both schools on 17 September 2021.

A total of 114 responses from the communities of both Thornton Cleveleys Red Marsh School and Northfold Community Primary School were received about the proposal to expand Thornton Cleveleys Red Marsh School.

86% of respondents from both schools agreed with the proposal to expand Thornton Cleveleys Red Marsh School.

68% of respondents indicated a preference for the proposal to develop three additional classrooms for up to 30 pupils as separate 'satellite' provision on the Haven site. The main reasons given for selecting this response were to increase the number of special school places in the area and because it would make use of an vacant school building and would afford more space for existing pupils at Thornton Cleveleys Red Marsh School.

23% of respondents selected the installation of a modular building as their preferred approach to the expansion of Red Marsh School. 8% of respondents indicated a preference to extend the existing school building. The main reason given for choosing the latter two options was to retain Thornton Cleveleys Red Marsh School on a single site. One respondent did not identify a preferred option.

A more comprehensive summary of these consultation responses is set out at Appendix 'B'.

### **Formal consultation**

The outcome of the informal consultation was considered by the Executive Director of Education and Children's Services and the Cabinet Member for Education and Skills. As a result, it was agreed the proposal to expand Thornton Cleveleys Red Marsh School would be taken forward with the development of three additional classrooms on the Haven site.

This proposed expansion of Thornton Cleveleys Red Marsh School to increase pupil numbers from 94 to 124 will increase the number of special school places in the school by more than 10%. A statutory process is required to implement this type of significant change to a school, including the publication of a statutory notice and a period of formal consultation.

The statutory proposal to expand Thornton Cleveleys Red Marsh School, by increasing the number of special school places from 94 to 124 through development of separate 'satellite' provision on the Haven site, was published on 23 September 2021. The formal consultation was undertaken between 23 September 2021 and 21 October 2021.

A total of 68 responses were received from families and other members of the Thornton Cleveleys Red Marsh School and Northfold Community Primary School communities as a result of an online survey. The survey was available between 23<sup>rd</sup> September and 21<sup>st</sup> October 2021.

Of the responses received to the online survey, 94% agreed with the proposal, 3% neither agreed nor disagreed with the proposal and 3% disagreed with the proposal.

Of the respondents, 33% were parents/carers of pupils currently attending Thornton Cleveleys Red Marsh School, 47% were members of staff at Thornton Cleveleys Red Marsh School, 8% were Governors at Thornton Cleveleys Red Marsh School, 3% were members of the local community, 6% were parents/carers of pupils currently attending Northfold Community Primary School and 2% were Governors at Northfold Community Primary School.

The majority of comments provided by respondents who agreed with the proposal made reference to the need for more places being available for children within a special school.

More space was identified as being important for the children and young people already attending Thornton Cleveleys Red Marsh School as well as new students.

Respondents also commented that it would be beneficial to use a building not being used currently. Other respondents made reference to the desirability of expanding a good school and opportunities for inclusion it would create for the pupils of Thornton Cleveleys Red Marsh School.

One of the respondents who was a member of staff at Thornton Cleveleys Red Marsh School who tended to agree with the proposal commented they would like more information on the logistics of how the split sites would be managed.

The two respondents who neither agreed nor disagreed with the proposal agreed that more special school places were needed, but were concerned that it must not be to the detriment of current pupils and staff at Thornton Cleveleys Red Marsh School, and that the same experiences must be provided in the satellite provision as in the main site. One respondent raised concerns that more children sharing the facilities such as the pool and sensory rooms might disadvantage existing children and young people at Thornton Cleveleys Red Marsh School, and also that adequate financial support would be required.

The very limited number of respondents who disagreed with the proposal raised concerns about the additional demands that would be placed on staff, if the school were to be based on two sites, and about additional traffic build up on the Northfold Community Primary School site. Conversely, another respondent suggested this might, however, also alleviate congestion at the Thornton Cleveleys Red Marsh School site.

A more comprehensive summary of these consultation responses is set out at Appendix 'C'.

## **Implications:**

This item has the following implications, as indicated:

This provision is required at the beginning of the next calendar year. Cabinet approval is therefore being sought to agree to the expansion of Thornton Cleveleys Red Marsh School using the site at the Haven School, in order to ensure the school places are available from January 2022.

## **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 this proposal, the risk would be insufficient availability of special school places. This proposal mitigates the risk of this and the risk of the county council failing in its duty to provide sufficient school places.

## **Financial**

High needs funding within the dedicated schools grant revenue budget 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. Failure to approve this capital proposal is likely to lead to an increase in the demand placed on high needs revenue block funding. Insufficient provision available within the county would mean that additional special school places would have to be secured with independent and non-maintained providers.

School places are funded by a combination of government grants (Basic Needs) and developer contributions from planning agreements. Basic Needs to be received in 2022/23 has been estimated and this commitment will be fundable if that amount is received. The full strategy, as presented to earlier Cabinet meetings, will need an increased level of grant to be able to fully fund all requirements.

Further financial implications are set out at Appendix 'D' 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).

## **Procurement**

The selection of the contractor to carry out the works will be undertaken in compliance with the public Contract Regulations 2015.

## **Equality and Cohesion**

The Equality Impact Assessment is set out at Appendix 'E'.

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 initial review of provision in Lancashire that informed the SEND Sufficiency Strategy and the further review in June 2021, indicated there were fewer children and young people educated in mainstream schools in Lancashire than nationally. There were also more children educated in specialist provision and secondary alternative provision in Lancashire than nationally, and therefore the demands on high needs block funding are significant.

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.

### **Equal opportunities**

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.

### **Property Asset Management**

Arrangements will be made to remove the furniture and equipment from The Haven, in order to bring the building back into use as a school. As the building is on a school site, has previously been used as a school, and the accommodation would be provided within the current footprint of the building, no planning permission will be necessary.

## List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

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