

Report to the Cabinet

Meeting to be held on Thursday, 9 June 2022

Report of the Head of Service - Inclusion

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Caring for the vulnerable;

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

(Appendices 'A' to 'E' refer)

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Brief Summary

This report provides the outcomes of formal consultations that have been carried out in relation to proposals to create Special Educational Needs (SEN) units attached to two primary schools and one secondary school. Cabinet is asked to consider whether to give final approval to the development of these three Special Educational Needs units. The three Special Educational Needs units would provide places for up to 32 primary age children and 16 secondary age children and young people. The Special Educational Needs unit being proposed at the secondary school is part of a larger school expansion.

The results of feasibility studies and informal consultations to expand and increase the number of school places in two special schools are also provided. Cabinet is asked to approve the publication of statutory notices and the initiation of formal consultation needed to make changes to the two schools.

In addition, the report includes information in relation to a proposal to create a free special school for primary aged pupils presenting with social, emotional and mental health needs in a partially occupied building on the same site as Castle View Primary School in Lancaster. Cabinet is asked to approve the initiation of the process required to establish a new school.

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, and to approve the creation of a Special Educational Needs unit at Fleetwood Chaucer Primary School, St Francis of Assisi Roman Catholic Primary School, Skelmersdale and St Augustine's Roman Catholic High School, Billington, near Clitheroe, and note that the development of a Special Educational Needs unit at St Augustine's Roman Catholic High School, if approved, is part of a larger school expansion that received Cabinet approval in April 2022.
- (ii) Consider the results of the informal consultation to expand and increase the number of school places at Thornton Cleveleys Red Marsh School and Lostock Hall Moor Hey School, and to approve the initiation of the formal consultation process.
- (iii) Approve the undertaking of the process to establish a new school in Lancaster for primary aged pupils presenting with social, emotional and mental health needs, in accordance with the updated Department for Education 'Establishing a New School: Free School Presumption' guidance and associated framework.

Detail

Special Educational Needs Units

In September 2021, Cabinet gave approval for the initiation of feasibility studies and informal consultations in relation to the development of Special Educational Needs units at nine different mainstream schools. The informal consultations for these schools were completed in November 2021.

Proposals for the development of Special Educational Needs units at two primary and one secondary school were taken forward for formal consultation further to approval by the Executive Director for Education and Children's Services in consultation with the Lead Member for Education in February and March 2022.

The statutory notices were published, and the formal consultations carried out between 30 March and 10 May 2022 in respect of Fleetwood Chaucer Community Primary School, between 23 March and 3 May 2022 in respect of St Francis of Assisi Roman Catholic Primary School, Skelmersdale and between 24 March and 4 May 2022 in respect of St Augustine's Roman Catholic High School, Billington near Clitheroe. A public meeting was held at each school during the consultation period: 20 April 2022 for Fleetwood Chaucer Community Primary School, 21 April 2022 for St Francis of Assisi Roman Catholic Primary School and 27 April 2022 for St Augustine's Roman Catholic High School.

The formal consultations were conducted in accordance with the statutory guidance for making prescribed alterations to schools that has been provided by the Department for Education.

Formal consultation responses:

- 8 responses were received for Fleetwood Chaucer Primary School, of which 88% agreed with the proposal.
- 5 responses were received for St Francis of Assisi Roman Catholic Primary School, of which 80% agreed with the proposal.
- 15 responses were received for St Augustine's Roman Catholic High School, of which 67% agreed with the proposal.

Supportive comments by respondents generally made reference to the need for the Special Educational Needs Provision and the benefits it would bring to the schools.

The limited number of negative comments by respondents referred to the impact of any possible negative behaviours on children and young people already in school, and the effective safeguarding of the children and young people with special educational needs.

A summary of results for each of these consultations is set out at Appendix 'A'.

Cabinet is asked to give final approval for the development of a Special Educational Needs unit for up to sixteen pupils with social communication and interaction needs at Fleetwood Chaucer and St Francis of Assisi Roman Catholic primary schools. Building work is not required for either school. It is anticipated that places will become available for pupils from September 2022.

Cabinet is asked to give final approval for the development of a Special Educational Needs unit for up to sixteen pupils with cognition and learning (with associated speech and language difficulties) needs at St Augustine's Roman Catholic High School. The Special Educational Needs unit will be part of the expansion of the school agreed by Cabinet on 7 April 2022 and will be able to take pupils from September 2023.

Expansion of Special Schools

In September 2021, Cabinet gave approval to initiate informal consultation processes to expand and increase the number of special school places through the creation of satellite units across the county.

Thornton Cleveleys Red Marsh School is a school for children and young people with learning difficulties between the ages of 2 and 19 years. In November 2021, Cabinet gave final approval for the creation of separate 'satellite' provision to expand Thornton Cleveleys Red Marsh School, to increase the number of special school places in the school from 94 to 124, to ensure school places were available as from January 2022. There continues to be a need for special school places in the north of the county, and it is now requested to expand this satellite provision further by increasing the total number of places at the second site by another 20, therefore

increasing the total population of the school to 144. The 'satellite' provision is located 2.3 miles away in what was an unoccupied school building that is on the same site as Northfold Community Primary School.

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 with respect to this further expansion was carried out between 22 March 2022 and 3 May 2022. This period of consultation included a meeting for all interested parties on 22 April 2022.

Lostock Hall Moor Hey School, which is a special school for pupils between the ages of four and 16 years with generic learning difficulties, also submitted a proposal to expand the school. In the original proposal, it was anticipated that some of the increased pupil places would be achieved through the development of 'satellite' provision. The proposal is now to increase the number of special school places at the school by 20, by building additional classrooms on the existing school site which would enable an increase in the number of pupils on roll from 127 to 147. It is proposed that ten places be made available in accommodation already under construction, and another ten places will become available in the future. These increases equate to an increase in the number of places by more than 10%, which is subject to statutory consultation processes due to it being considered as a significant change to the school.

This school is also proposing to change its name from Lostock Moor Hey School to Applebee Wood Community Specialist School. The governing body is in the process of amending the Instrument of Government, in line with regulation 30 of the School Governance (Constitution) (England) Regulations 2012.

The informal consultation with interested parties, including families, staff and the governing bodies of Lostock Hall Moor Hey School was undertaken between 22 March 2022 and 3 May 2022. This period of consultation included a meeting for all interested parties on 28 March 2022.

Very few responses were received with respect to either consultation and all respondents 'tended to agree' or 'strongly agreed' with the proposals.

Cabinet is asked to approve the initiation of the statutory proposals and formal consultation process in respect of Thornton Cleveleys Red Marsh School and Lostock Hall Moor Hey School.

Creation of a New School

Current Position

There are six state-funded special schools for children presenting with social, emotional and mental health needs in Lancashire. Four of these schools are for secondary aged pupils and two are for primary aged pupils. None of these special schools for children with social, emotional and mental health needs are located within the Lancaster/Morecambe area.

Currently there are 41 children between the ages of five and eleven who live in the north of the county and who attend independent or non-maintained special schools for pupils presenting with social, emotional and mental health needs. The annual cost of this is £1.7m. The average cost of a maintained special school place for a primary aged child with social, emotional and mental health needs in Lancashire is £20k and therefore the additional cost to the high needs block for these pupils is circa £1m a year.

There are 54 secondary aged pupils living in the north area of the county who attend independent or non-maintained special schools for pupils presenting with social, emotional and mental health needs. The overall cost of this each year is £2.3m.

Clearly the demand and costs associated with educating secondary aged pupils presenting with social emotional and mental health needs are greater than those for primary aged pupils. The building being proposed as the site for the new school is linked to rooms that will be used for a private nursery and is adjacent to a mainstream primary school. The proposed site is therefore considered to be more suitable for a special school for primary aged rather than secondary aged pupils.

Presumption Process for Establishing a New School

The Education Act 2011 changed the arrangements for establishing new schools and requires that, where a local authority identifies the need for a new school in its area, including special schools, it must seek proposals to establish an academy via the presumption process. The process of establishing a new school was adopted by Cabinet in June 2020 and can be found in Appendix 'E'.

Proposal

It is proposed the new free school would be in the former Firbank Children's Centre, currently on the same site as Castle View Primary School in Lancaster. The primary school is in a separate building to Firbank Children's Centre. Castle View Primary School is due to convert to an academy on 1 July 2022, when it will become part of the Cidari Multi Academy Trust and at this point will have its own defined site and external area. This proposal to use the Firbank Children's Centre building to develop a new free school for primary aged pupils with social, emotional and mental health needs has been discussed with the chief executive officer of Cidari Multi Academy Trust.

The main rooms of Firbank Children's Centre are occupied by a private nursery, which has requested relocation to an annex attached by a link corridor to the main part of the children's centre building. It is proposed the new free school occupies the main part of the children's centre building and that the nursery occupies the annex. The nursery and the new free school will have separate entrances and the link corridor will not be used. The nursery and the new free school will have dedicated external play areas that would not be accessible to the other party.

It is anticipated it would be possible to adapt the main part of the building to create six classrooms and to use two other smaller rooms for pupils who require smaller teaching groups and so provide accommodation for up to 52 pupils.

Approval was given by Cabinet in September 2021 for '*the initiation of a consultation as part of the process to establish a new free school in an area where it is identified this will be required through the sufficiency strategy and the potential for expansion in existing schools is not possible*'.

Further to a potential site and building having now been identified for this new school. Cabinet is asked for approval to undertake the process to establish a new school in Lancaster for primary aged pupils presenting with social, emotional and mental health needs, in accordance with the updated Department for Education 'Establishing a New School: Free School Presumption' guidance and associated framework.

This item has the following implications, as indicated:

Financial:

Under the presumption route the local authority is responsible for providing the site for the new school and for delivering the capital programme for building the new school. It is the Department for Education's expectation that the site be made available free or on a peppercorn basis by the local authority to the trust. The local authority is also responsible for meeting the associated capital and pre/post-opening revenue costs.

Should it be agreed that a new school is established it will need to be determined which elements are funded in the capital project and which elements are to be funded from revenue budgets. Consultation with the Schools Forum will need to be undertaken to determine the criteria and forum policy to be applied in relation to the start-up costs that are to be funded from the Schools Block of the Dedicated Schools Grant. Within the consultation, it may be necessary to amend the Schools Forum policy criteria for allocating growth funding to new schools in their pre and post opening periods. As growth funding criteria is checked each year for compliance by the Education and Skills Funding Agency, any amendments to the current criteria will need to be confirmed before a new school is commissioned.

The establishment of a new school should only be approved where there is a high degree of certainty on financial viability and therefore a feasibility study and associated risk assessment will need to be completed in collaboration with the Schools Forum, as part of the engagement and consultation stage of the presumption process.

In addition, the feasibility study will need to determine the cost of the building works for the adaptations proposed. The provisional allocation of high needs provision capital allowance from the Department for Education has been announced at £12.1m for 2022/23 and £13.9m for 2023/24. This provides a total of £26m, a proportion of which can be used to fund this programme.

There is no building work required to create the Special Educational Needs units at St Francis of Assisi Catholic Primary School and Fleetwood Chaucer Community Primary School. The funding required for the Special Educational Needs unit at St Augustine's Roman Catholic Primary School has already been allocated from the

Asset Management Service: a capital strategy which includes an overall allocation of approximately £10m for the Special Educational Needs and Disability (SEND) sufficiency strategy. This comprises £3,479,553 Special Provision Capital Funding, £4,724,149.55 of High Needs funding and the remainder from Basic Needs funds.

The provisional allocation of £26m high needs provision capital allowance from the Department for Education identified above can also be used to support the further development of the 'satellite' provision that is attached to Thornton Cleveleys Red Marsh School.

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 to meet their statutory duties under the Children and Families Act 2014 and would be used to provide revenue funding as it is for other specialist provision in maintained and academy special schools.

HR Implications

If the expansion of Thornton Cleveleys Red Marsh School and Lostock Hall Moor Hey School is approved, staff may be required to move between the school site and the satellite site. It is not envisaged that this would be problematic for staff affected. Staff will/have been consulted on the proposal so that any concerns raised can be addressed.

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 mitigates the risk of this and the Council failing in its duty to provide sufficient school places.

Equality and Cohesion

The Equality Impact Assessments for Fleetwood Chaucer Primary School, St Francis of Assisi Roman Catholic Primary School and St Augustine's Roman Catholic High School are set out at Appendices 'B', 'C' and 'D' respectively.

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 Special Educational Needs and Disability (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.

Property Asset Management

The Special Educational Needs units being proposed at Fleetwood Chaucer Primary School and St Francis of Assisi Roman Catholic Primary School will be provided within accommodation within the current footprint of the existing school buildings and therefore no planning permission is required.

The Special Educational Needs unit being proposed at St Augustine's Roman Catholic High School is part of a larger school expansion agreed by Cabinet on 7 April 2022.

Planning permission has been obtained by the Lostock Moor Hey School and all building works are being funded from within the school's own resources and managed by the school.

The development and use of a 'satellite' site associated with Thornton Cleveleys Red Marsh School was approved by Cabinet in November 2022. 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

N/A