



NOTICE OF MEETING

CABINET MEMBER FOR CHILDREN, FAMILIES AND EDUCATION

WEDNESDAY, 15 MARCH 2023 AT 11.30 AM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Anna Martyn, Tel: 023 9283 4870
Email: anna.martyn@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

CABINET MEMBER FOR CHILDREN, FAMILIES AND EDUCATION

Councillor Suzy Horton (Liberal Democrat)

Group Spokespersons

Councillor Terry Norton, Conservative
Councillor Tom Coles, Labour

Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19

- Following the government announcement 'Living with Covid-19' made on 21 February 2022 and the end of universal free testing from 1 April 2022, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April 2022 advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April 2022, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage those attendees with an underlying health condition to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.

- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

Risk Assessment: Council Chamber

Apologies

Declarations of Members' Interests

Statutory process to close the Inclusion Centre at Portsdown Primary School - Outcome of Statutory Consultation (Pages 5 - 10)

Purpose of report

This report sets out the outcome of the statutory consultation which was undertaken between 16 January 2023 and 13 February 2023 on the proposal to close the Inclusion Centre for children with special educational needs (SEND) at Portsdown Primary School.

RECOMMENDED - the Cabinet Member:

- a) **Consider the response to the statutory consultation carried out on the proposal to close the Inclusion Centre at Portsdown Primary School**
- b) **Authorise the Director for Children, Families and Education to implement the proposal so that the Inclusion Centre at Portsdown Primary School closes at midnight on 31 August 2023.**

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Date: 1 April 2022 (based on Living safely with respiratory infections, including COVID-19, 1 April 2022)

Review date: Ongoing

Author: Lynda Martin, Corporate Health and Safety Manager, Portsmouth City Council

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Manager's Name and Job Title completing Risk Assessment:	Lynda Martin Corporate Health and Safety Manager	Risk Assessment Dept:	Corporate Services	Date:	1 April 2022	Signature:	
		Location:	Council Chamber, Guildhall				

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
Risk of exposure to Covid-19 virus - Ventilation	Staff, contractors and attendees	<ul style="list-style-type: none"> • There are no longer capacity limits for the Guildhall Chamber. • We encourage all attendees to wear a face covering when moving around crowded areas of the Guildhall and the council chamber. • The mechanical ventilation system works efficiently and the South Special Rooms Supply and Extract fans are fully operational during times when the Council Chamber is in use. • Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting. 	Staff will ensure ventilation system and fans are operational.	In place
Risk of transmission of virus - Risk mitigation	Staff, contractors and attendees	<p>The Guildhall has the following measures in place:</p> <ul style="list-style-type: none"> • Face Coverings – as per government guidance, we encourage you to continue to wear a face covering whilst in the venue & crowded places especially when walking around the building. • Enhanced Sanitisation & Cleaning – we will carry out enhanced cleaning procedures between meetings and we encourage you to sanitise your hands on entry and regularly throughout your visit at the sanitisation points provided. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Risk of transmission of virus - Hygiene and Prevention		<ul style="list-style-type: none"> • Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive COVID-19 test result is being advised to follow this guidance for five days, which is the period when you are most infectious. • Although not a legal requirement attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses. • Wash hands for 20 seconds using soap and water or hand sanitiser. • Maintain good hygiene particularly when entering or leaving. • Hand sanitiser and wipes will be located in the meeting room. • No refreshments will be provided. Attendees should bring their own water bottles/drinks. • All attendees should bring and use their own pens/stationery. • Attendees are no longer required to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting however we still encourage attendees to follow the Public Health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish. It is strongly recommended that attendees should be double vaccinated and have received a booster. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Financial Risk	Staff, contractors and attendees	<ul style="list-style-type: none"> • The council meeting may need to be cancelled at short notice if the Covid-19 situation changes due to local outbreaks, local sustained community transmission, or a serious and imminent threat to public health. • Technology in place to move to virtual council meeting if required and permitted by legislation. 	Financial commitments minimised wherever possible.	In place



Title of meeting:	Cabinet Member for Children, Families and Education
Date of meeting:	15 th March 2023
Subject:	Statutory process to close the Inclusion Centre at Portsdown Primary School - outcome of statutory consultation
Report from:	Sarah Daly, Director of Children, Families and Education
Wards affected:	Paulsgrove
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 This report sets out the outcome of the statutory consultation which was undertaken between 16th January 2023 and 13th February 2023 on the proposal to close the Inclusion Centre for children with special educational needs (SEND) at Portsdown Primary School.

2. Recommendations

2.1 It is recommended that the Cabinet Member:

- a) **Consider the response to the statutory consultation carried out on the proposal to close the Inclusion Centre at Portsdown Primary School**
- b) **Authorise the Director for Children, Families and Education to implement the proposal so that the Inclusion Centre at Portsdown Primary School closes at midnight on 31st August 2023.**

3. Background

- 3.1 Portsdown Primary school is a 2-form entry community maintained primary school in Portsmouth. The school has houses a small 9 place (single class) Inclusion Centre for pupils with an Education Health and Care Plan identifying communication and interaction as the primary area of need. Although the Inclusion Centre has provided a good standard of education, as the needs of the pupils placed in the Inclusion Centre have become more complex it has become harder for this single class centre to provide the highly individualised education that the pupils require. It has proved increasingly difficult to effectively provide peer grouping and progression within a single class Centre which caters for children through key stages 1 and 2 of their education.

- 3.2 As Portsdown Primary School is a community maintained school, a closure of a provision for pupils with SEND at the school is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority is the proposer and the decision maker for this process. The proposer has to follow the four stage statutory process set out below:

Table 1. Statutory process for a prescribed alteration to a maintained school

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal / notice)		
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Any appeal to the adjudicator must be made within 4 weeks of the decision.
Stage 4	Implementation	No prescribed timescale	However, it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

- 3.3 The Council and Governors of Portsdown Primary school undertook a pre-statutory consultation for this proposal between 15th October and 15th November 2021. On 15th December 2022, following consideration of the outcome of a pre-statutory consultation, the Cabinet Member for Education authorised the Director of Children, Families and Education to proceed with the publication of the proposal and the formal representation stage of the statutory process.
- 3.4 The Council formally published a statutory notice for the closure of the Inclusion Centre at Portsdown Primary School on 16th January 2023 and the four week formal representation period ran from 16th January 2023 until 13th February 2023.

Outcome of Statutory Consultation

- 3.5 The statutory proposal was also published on the PCC website as required by the Department for Education. No comments were submitted to the Council during the representation period.

4. Reasons for recommendations

- 4.1 The Inclusion Centre at Portsdown Primary School is a small single class provision and smaller Inclusion Centres tend to be less sustainable and

financially viable than larger SEN Centres that benefit from additional flexibility, staff development opportunities and economies of scale. The Portsmouth Strategic SEND Review Phase 2 published in November 2020 provides for new Inclusion Centres to be 'of a sustainable and viable size with a minimum of 3 classes'. This is because larger Inclusion Centres can benefit from:

- greater financial viability
- increased potential for recruitment and retention of specialist staff
- the ability to provide more specialist learning support accommodation
- more efficient and effective peer groupage and progression for children through the school
- improved opportunities for inclusion in mainstream classes
- improved parental choice of setting
- less risk of insufficient cover through staff absence

4.2 There is no scope to develop the Portsdown Primary school site to increase the number of places in the Inclusion Centre to ensure that the provision continues to be viable and to provide the flexibility required to better support the needs of pupils.

4.3 Suitable placements for all pupils currently educated in Portsdown Primary Inclusion Unit have been identified and discussed with their parents or carers. The transition to a new provision will be carefully planned and managed for each pupil.

5. Equality impact assessment

5.1 An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. Legal implications

6.1 The statutory process for the removal of special educational needs provision in a maintained mainstream school is set out in the Education and Inspections Act 2006 ("EIA 2006") and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Under s.18 of the Education and Inspections Act 2006, an LA can propose the discontinuance of provision which is recognised by the LA as reserved for children with special educational needs. The LA will be the decision-maker of the proposal and must follow the statutory process.

6.2 The statutory process for the discontinuance of the Portsdown Inclusion Centre requires publication of the statutory proposal and a period of formal consultation of 4 weeks. The statutory guidance for proposers and decision-makers "Making significant changes ('prescribed alterations') to maintained schools" October 2018 states that whilst there is no requirement for a pre-statutory consultation, there is a strong expectation that schools and LAs will consult interested parties

in developing their proposal prior to publication. The purpose of this report is to provide the outcome of this early consultation to the Cabinet Member.

- 6.3 The statutory guidance requires the proposer, when considering any reorganisation of provision reserved for pupils with special educational needs, including that which might lead to children being displaced, to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.
- 6.4 The statutory proposal as published must include the information contained in Schedule 3 of the Prescribed Alterations Regulations 2013.
- 6.5 Following the end of the representation period, the LA must make a decision within a period of two months, otherwise the proposal must be referred to the Schools Adjudicator
- 6.6 It is within the Cabinet Member's powers to approve these recommendations, as set out in the City Council's constitution.

7. Director of Finance's comments

- 7.1. Inclusion Centres are funded via the Dedicated Schools Grant (DSG) which is governed by the School and Early Years Finance (England) Regulations. The DSG provides funding through three funding streams, the mainstream funding formula (approximately £4,000), place funding (£6,000) plus Top-up funding which reflects the level of need of the pupils.
- 7.2. Should the Inclusion Centre close, the funding provided through the three funding streams will cease. The school will be responsible any revenue costs associated with the closure of the Inclusion Centre including redundancy or early contract termination fees.
- 7.3. The DSG budget for the financial year 2023-24 has yet to be approved, the outcome of the statutory consultation will be included within the 2023-24 budget proposals.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision makers	Making significant changes ('prescribed alterations') to maintained schools (publishing.service.gov.uk)

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: