



Agenda item:

Decision maker Cabinet Member for Education

Subject: Re-designation of Redwood Park School

Date of meeting: 21 July 2016

Report from: Alison Jeffery
Director of Children's Services

Report by: Mike Stoneman
Deputy Director of Children's Services - Education

Wards affected: All Wards

Key decision (over £250k): No

1. Purpose of report

- 1.1 The purpose of this report is to update the Cabinet Member for Education on the outcome of the pre-statutory consultation, held between 5th and 20th July 2016, on the proposal to change the SEN designation of Redwood Park School, and to seek approval to proceed to a statutory consultation. This is in recognition of the increasingly complex profile of need of pupils attending the school.

2. Recommendation

2.1 The Cabinet Member for Education is recommended to:

- (i) **Note the outcome of the pre-statutory consultation**
- (ii) **Authorise the Deputy Director of Children's Services - Education, to proceed to the representation stage, by publishing statutory proposals to re-designate Redwood Park School as a school for complex needs and autism (i.e. pupils with severe learning difficulties (SLD) or autistic spectrum condition (ASD)).**

3. Background

- 3.1 Redwood Park is a special school which caters for up to 140 pupils aged 11 to 16 who have an Education Health Care Plan (EHCP) or statement of special education needs (SEN). The school is officially designated as a school for pupils with Moderate Learning Difficulties (MLD) and/or Speech, Language and Communication Needs (SLCN). The current cohort of pupils have a range of needs from MLD through to more complex needs and autism spectrum disorders (ASD). There are two specialist classes for students with

challenging ASD. A large proportion of current Redwood Park pupils previously attended Cliffdale Primary academy.

- 3.2 It is important to note that all pupils currently attending Redwood Park School will continue to be placed there so long as the school continues to meet their educational needs. This is irrespective of their category of need.
- 3.3 Special educational needs are defined as follows: 'A child or young person has SEN if they have a learning difficulty or disability which calls for special provision to be made for him or her' (SEN Code of Practice 2014).
- 3.4 Around 15-16% of children and young people have special educational needs and around 2-3% of children and young people have needs that require a higher level of support to access education than is 'ordinarily available'. For these children a statutory assessment resulting in the issuing by the local authority of an EHCP sets out the provision that they are entitled to receive to enable them to access the curriculum. Educational provision can be made for children with SEN within:
- mainstream schools and settings
 - specialist resourced provision attached to mainstream schools
 - special schools.
- 3.5 Pupils in special schools will have an EHCP (or statement of SEN). Children and young people with SEND in mainstream do not necessarily have an EHCP, but will have access to a level of support appropriate to their needs. Portsmouth currently maintains a higher percentage of pupils with EHPs or statements of SEN than the national average (3.1% compared to 2.8%). Portsmouth also has a higher percentage of pupils with an EHCP in specialist provision compared to the national average (49% compared to 40%). The prevalence of Severe Learning Difficulties (SLD), SLCN and ASD are growing while those identified as having Moderate Learning Difficulty (MLD) are falling.
- 3.6 There is a related proposal to change the category of need for Cliffdale Primary Academy which is being undertaken direct by Solent Academies Trust.

4. The consultation

- 4.1 Council Officers consulted widely from 5th to 20th July 2016. The consultation document attached at [Appendix 1](#) was distributed to all consultees as part of the pre-statutory consultation process and in line with statutory procedures published in the School Organisation Regulations 2013 and the statutory guidance in relation to making prescribed alterations that came into force in April 2016.
- 4.2 The responses received will be tabled at the Decision meeting on the 21st July, 2016.

5. Reasons for recommendations

- 5.1 Portsmouth mainstream schools are now better resourced to deliver inclusive practice and make provision for pupils with special educational needs and disabilities (SEND). Underpinning pedagogical approaches such as quality first teaching and the waves of SEN interventions are now well embedded in school culture to enable good teaching. Since 2009, all school SENCOs have been required to achieve accreditation at MA level and be recognised as senior leaders within their schools.
- 5.2 Pupils with SEND achieve better outcomes, in general, when educated in mainstream schools alongside mainstream pupils. The converse is only true for pupils who require specialist provision because they have significant or complex needs. However, more than half of Portsmouth's pupils with statements or EHCPs are educated in special schools or resourced provision. A local culture has grown among professionals and parents of overreliance and expectation of pupils with identified SEND being placed in special schools. In recent years there has been an increase in the number of children with more complex SEN needs in the City and the needs of pupils attending Redwood Park School reflect this change.
- 5.3 The council is seeking to formally change the SEN designation of Redwood Park School. The School will continue to maintain specialist classes for students with challenging behaviour as a result of autism spectrum disorders. At the same time the council will seek to continue to develop a more inclusive mainstream education which will include pupils with MLD.
- 5.4 In order to support the move towards providing education for pupils with more complex needs the council has identified funding for some building works to provide additional accommodation at the school. Feasibility and design work is currently underway.

6. Equality impact assessment

- 6.1 A preliminary EIA has been completed. A full EIA is not required. The change of designation will not have a negative impact on any of the equality groups. The re-designation will improve access to schools for all equality groups, particularly with regard to those pupils who have learning difficulties and / or a disability.

7. Legal Services' Comments

- 7.1 Section 14 of the Education Act 1996 places a general duty on local authorities to ensure there are sufficient schools for providing primary and secondary school education for pupils with SEND. This includes the number of schools, their character and the equipment provided so that all pupils have the opportunity of appropriate education.
- 7.2 Section 315 of the Education Act 1996 requires LAs to keep the arrangements for SEN provision made by them under review.

- 7.3 A change in the type of special educational needs for which the school is organised to make provision for, is a prescribed alteration for a maintained special school which a local authority may propose and implement. The statutory process is set out in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013.
- 7.4 There is no formal requirement for a statutory pre-publication consultation but the statutory guidance *'Making prescribed alterations to maintained schools'* April 2016, states that there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal prior to publication. The process of consultation is a matter for the local authority but it must be fair and open and there is a duty on the local authority to act rationally and take into account all relevant considerations.
- 7.5 If the decision made is to proceed with the statutory process, the next stage will require formal publication of the proposal in accordance with the 2013 Regulations and there must be a 4 week period provided for persons to make representations. Following this, the decision maker must decide the proposal within 2 months of the end of the representation period.
- 7.6 When making decisions about proceeding with the proposals, the decision maker must have regard to the statutory *guidance for decision makers*. Decision makers should not simply take account of the numbers of persons expressing a view but should consider giving the greatest weight to those stakeholders who are likely to be most directly affected by the proposals; especially parents of children at the affected school. They should review the feedback from consultation, and decide whether any significant issues have been raised which have not previously been considered or addressed and whether there is any give good cause not to proceed.
- 7.7 Furthermore, the decision maker is reminded of the need for public authorities, as part of the decision making process, to think about the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Advance equality of opportunity between people who share protected characteristics and those who do not
 - Foster good relations between people who share protected characteristics and those who do not.
- 7.8 The recommendations proposed in this report are within the Cabinet Member's powers, as defined by the City Council's constitution and may be delegated to the officer as proposed.

8. Finance comments

- 8.1 The funding for special schools and pupils with special educational needs is provided through the Dedicated Schools Grant (DSG) and governed by the Schools and Early Years Finance (England) regulations. The regulations set

out that the funding for special schools is based on £10,000 per place plus a "top-up" that reflects the level of need of each individual child.

- 8.2 For Portsmouth the top-up funding according to need is based on a banding system of A to H, with A being the highest need, each band has a specific level of funding attached. Currently the pupils attending the school receive funding at the lower end of the banding scale. The current average top up funding per pupil is a band H.
- 8.3 The report does not propose to increase either the number of places at Redwood Park School or the level of funding attached to each band of need.

8.4 It is expected that the change in status of the school will see an increase in cost charged to the DSG for top-up funding and this will phase in over a number of years. However these increases are expected to be offset by a reduction in the costs associated with placing High Needs pupils in expensive out of City provision. It is recognised that the decrease in out of city costs may take longer to materialise than the increase in "top-up" costs and provision will need to be included within future budgets.

Signed by: Alison Jeffery, Director of Children's Services

Appendices:

Appendix 1 - Consultation document

Appendix 2 - Preliminary Equality Impact Assessment

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

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

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Signed by: