

Title of meeting: Cabinet Member for Education

Date of meeting: 13th October 2016

Subject: Change to SEN designation of Redwood Park School -
outcome of statutory representation stage

Report from: Alison Jeffery, Director of Children's Services

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

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 This report sets out the outcome of the statutory representation undertaken between 3rd September 2016 and 3rd October 2016 on the proposal to change the type of SEN need catered for by Redwood Park School.
- 1.2 The report seeks approval to move to the next stage in the process which is implementation of the proposal by 1st November 2016.

2. Recommendations

- 2.1 **It is recommended that the Cabinet Member for Education:**
 - i. **Considers the outcome of the statutory representation undertaken between 3rd September and 3rd October 2016**
 - ii. **Approve the proposal to change the formal designation of Redwood Park School from a school for pupils with Moderate Learning Difficulties (MLD) and / or Speech, Language and Communication Needs (SLCN) to a school for pupils with Severe Learning Difficulties (SLD) or Autistic Spectrum Condition (ASD)**
 - iii. **Authorise the Deputy Director for Children's Services - Education to proceed with the implementation of the proposal.**

3. Background

- 3.1 Local Authorities have a duty to ensure a sufficiency of provision for pupils with special educational needs and / or disabilities. Local Authorities can meet this duty by providing places in maintained special schools, ensuring that mainstream schools can meet the needs of pupils with SEN or by procuring places in special academies or independent special schools.
- 3.2 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 conditions (ASD). There are two specialist classes for students with challenging ASD. A large proportion of current Redwood Park pupils previously attended Cliffdale Primary academy.
- 3.3 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. This in turn has meant that at it is increasingly difficult to find suitable placements for pupils with complex needs in the City.
- 3.4 Portsmouth mainstream schools are better resourced and enabled to deliver inclusive practice and make provision for pupils with Special Educational Needs and Disabilities (SEND). The development of more inclusive mainstream education enables many pupils with MLD to be appropriately educated in a mainstream setting.

The Proposal

- 3.5 The proposal is to formally change the SEN designation of Redwood Park School. The School will become a school for pupils with complex needs and will continue to maintain specialist classes for students with autistic spectrum conditions and associated challenging behaviour. The formal designation will be as a school for pupils with severe learning difficulties (SLD) or autistic spectrum condition (ASD).
- 3.6 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.

- 3.7 A change in the type of need catered for by a special school is a prescribed alteration which requires a statutory process. At the Cabinet meeting on 21st July 2016 the Cabinet Member for Education considered the outcome of a pre-statutory consultation on the proposal and authorised the Deputy Director of Children's Services - Education to proceed to the representation stage of the statutory process by publishing a statutory proposal.
- 3.8 On 3rd of September 2016 a public notice in regard to this proposal was published and the statutory representation period ran from 3rd September until 3rd October. During this time any interested party could comment on the proposal. All parents and carers of pupils attending Redwood Park School received a copy of the statutory proposal (refer to [Appendix 1](#)).

Representations received

- 3.9 Following publication two representations have been received in writing. These representations and a response to the issues raised in the first response are detailed in [Appendix 2](#). In addition another parent phoned to seek assurance that her child would continue to be educated at the school. No further representations were received.

4. Reasons for recommendations

- 4.1 The main reason for the recommendation is to ensure that the SEN provision provided by special schools reflects the needs of pupils in the City.
- 4.2 The proposed change fits with the priorities of the Children's Trust Plan 2014-17 and in particular Priority 2: Improve Education Outcomes for School Age Children.

5. Equality impact assessment

- 5.1 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.

6. Legal implications

- 6.1 Section 14 of the Education Act 1996 places a general duty on local authorities to secure that there are sufficient schools for providing primary and secondary school education, sufficient in number, character

and equipment to provide for all pupils the opportunity of appropriate education and requiring them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs.

- 6.2 Section 315 of the Education Act 1996 requires local authorities to keep the arrangements for SEN provision made by them under review.
- 6.3 A change in the type of special educational needs for which a 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.
- 6.4 The legislation sets out a 4 stage process, which includes the publication of statutory proposals and allows for a 4 week representation period. The requirements of these stages have been complied with.
- 6.5 A local authority, as the proposer of the alteration, is also the decision maker in the process. The decision whether or not to make this alteration must be made within 2 months of the end of the representation period and implemented in accordance with the dates in the published notice.
- 6.6 When making the decision whether to implement the proposal, the decision-maker must have regard to the statutory guidance contained in the "School Organisation Maintained Schools - Guidance for proposers and decision-makers" and in particular Annex B - Guidance for Decision-makers.
- 6.7 The options for the decision-maker are:
- Reject the proposal;
 - Approve the proposal without modification;
 - Approve the proposal with modifications, having consulted the local authority and/or governing body (as appropriate); or
 - Approve the proposal (with or without modification) subject to certain prescribed events being met.
- 6.8 Under Part 2, Section 3, of the City Council's constitution the Cabinet Member for Children & Education has the authority to approve the recommendations set out in this report.

7. Director of Finance's comments

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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- Statutory Proposal
- Appendix 2 - Representations received
- Appendix 3 - Preliminary EIA

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 'prescribed alterations' to maintained schools - DfE Statutory guidance for proposers and decision-makers	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf

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

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Signed by: