

Title of meeting: Cabinet Member for Children, Families and Education

Date of meeting: 15th December 2022

Subject: Closure of the Inclusion Centre at Portsdown Primary School

Report by: 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 responses from the pre-statutory consultation on a proposal to close the Inclusion Centre at Portsdown Primary School. The consultation was run between 15th October and 15th November 2021.
- 1.2 In light of the responses to the consultation, approval is sought to undertake the statutory process to close the Inclusion Centre at Portsdown Primary School.

2. Recommendations

2.1 It is recommended that the Cabinet Member:

- **Considers the responses from the pre-statutory consultation on the proposal to close the Inclusion Centre at Portsdown Primary School**
- **Authorises the Director of Children, Families and Education to proceed to the publication and representation stages of the statutory proposal to close the Inclusion Centre at Portsdown Primary School.**

3. Background

- 3.1 Portsdown Primary school is a 2-form entry community maintained primary school in Portsmouth. The school has housed a small 9 place (single class) Inclusion Centre for a number of years for pupils with an Education Health and Care Plan identifying communication and interaction as the primary area of need.

- 3.2 The Inclusion Centre has provided a good standard of education with Ofsted concluding in 2018 that "The inclusion centre is managed very well. It provides effective specialist support for pupils who find difficulty in communicating and interacting". 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. Moreover, for this inclusion centre with a small number of pupils, providing support for pupils to access mainstream lessons and activities is more challenging when the pupils range in age across the entire primary phase as there are fewer staff to provide the necessary support.
- 3.3 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
- 3.4 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.
- 3.5 The Council and the Governing Board of Portsdown Primary School consulted on a proposal to close the Inclusion Centre in September 2022. A public consultation was opened on 15th October 2021 and responses were invited until 15th November 2021. A decision was subsequently taken to postpone the closure of the Inclusion centre until 2023 to allow additional time to work with the pupils attending the unit and their families and allow an extended transition to alternative provision.
- 3.6 As Portsdown Primary School is a community-maintained school, a proposal to remove special educational needs (SEN) provision is a prescribed alteration governed by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The Local Authority would be the proposer and the decision maker for this alteration. The prescribed alteration must follow a statutory process which has the following four stages:

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.

- 3.7 Once this prescribed alteration has been determined, only the local Church of England diocese or the local Roman Catholic diocese have a right to appeal the decision to the Schools Adjudicator.

4. Reasons for recommendations and outcome of consultation

- 4.1 The closure of the Inclusion Centre at Portsdown Primary School would result in a reduction of 9 Inclusion Centre places, however a new larger 24 place Inclusion Centre is due to open at Arundel Court Primary Academy on 1st September 2023. The new Inclusion Centre will provide a flexible and sustainable setting. Pupils placed in the new facility will benefit from opportunities for peer support and progression through their primary education.
- 4.2 The consultation on the proposal was sent to all parents/carers of the pupils that are currently placed in the Inclusion Centre at Portsdown Primary School and then to parents/carers of all the pupils registered at the school. In addition, the consultation document was circulated to Portsmouth Parent Voice.
- 4.3 The Council received two responses to the formal consultation. One parent of a child in the Inclusion Centre emailed to express concern that the views of parents/carers would not be considered in the decision-making process. In addition, a group of three other parents of children in the Inclusion Centre contacted their ward Councillor to express their concerns but did not comment directly to Council Officers. The parents and carers of all children placed in the Inclusion Centre at Portsdown Primary School have been contacted individually by the school to provide reassurance.

- 4.4 No further comments on the proposal were received.
- 4.5 School staff and Council Officers have continued to keep those most directly affected by the proposed closure i.e. children, their families and staff informed of the plans and give them the opportunity for further feedback. Transition plans are in place for all pupils currently attending the Inclusion Centre.

5. Integrated impact assessment

- 5.1 An integrated impact assessment (IIA) is not required for this proposal. The proposal would impact children with special needs and disabilities (SEND) who would benefit from the improved opportunities for specialised support and inclusion as well as more effective peer groupage and progression that a larger inclusion centre affords.

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: Sarah Daly, Director of Children, Families and Education

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

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

Signed by: