

CABINET MEETING – 18 JANUARY 2024

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Special Educational Needs Provision – School Organisation Proposals and Procurement of Capital Works

Author(s):

Director of Children's Services

Purpose of Report:

To provide information relating to and to seek a decision on a proposal to commence the statutory processes required to establish a Special Educational Needs (SEN) Provision at Mill Hill Primary School and to procure capital works to facilitate the proposal.

Description of Decision:

Cabinet is asked to:

1. Authorise the commencement of the necessary statutory process required to:
 - Establish a resourced Autism Spectrum Disorder (ASD) Unit at Mill Hill Primary School.
2. Subject to the outcomes of the required School Organisation processes and subject to consultation with the Children, Learning and Skills Portfolio Holder, authorise the Director of Children's Services to procure capital works and award contracts to facilitate the creation of a resourced ASD provision at Mill Hill Primary School.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The proposal contained within this paper has been identified as necessary to ensure that Sunderland City Council continues to effectively meet its statutory duty to ensure that there are enough local school places to meet demand.

The proposal to provide localised SEN provision in South Sunderland will ensure that pupils with Education Health and Care Plans (EHCP) can access provision that meets their needs within localities. This will reduce the need for young pupils, particularly those aged between 5 and 11 years of age, to travel to central provisions to access appropriate school places. Development of resourced provisions / units within primary schools will also enable children, for whom it is appropriate, to access elements of a mainstream curriculum in a maintained primary school setting.

Cabinet approval is required for the capital works procurement which is anticipated to exceed £500K.

Alternative options to be considered and recommended to be rejected:

- Retain current SEN site locations only – This would not enable pupils to access specialist provision within their home localities leading to extended travel time, high transport costs and greater potential for failed re-integration back into substantive school places.
- Retain current levels of ASD provision – As all of the city’s ASD provision is currently at capacity this will result in pupils being placed in out of area or independent places, resulting in increased travel time, a need to commission out of area residential places or placement at independent settings which would lead to pressure on the local High Needs Block budget.
- Not to refurbish surplus class space at Mill Hill Primary School – This would result in the premises identified to deliver the ASD provision not being equipped to meet the needs of the pupils on roll from either a condition or suitability perspective.

Impacts analysed.

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council’s co-operative values? Yes

Is this a “Key Decision” as defined in the Constitution? Yes

Is it included in the 28-day Notice of Decisions? Yes

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

SPECIAL EDUCATIONAL NEEDS PROVISION – SCHOOL ORGANISATION PROPOSALS AND PROCUREMENT OF CAPITAL WORKS

1. Purpose of the Report

- 1.1 To provide information relating to and to seek a decision on a proposal to commence the statutory processes required to establish a Special Educational Needs (SEN) Provision at Mill Hill Primary School and to procure capital works to facilitate the proposal.

2. Description of Decision

- 2.1 Cabinet is asked to:

1. Authorise the commencement of the necessary statutory process required to:

Establish a resourced Autism Spectrum Disorder (ASD) Unit at Mill Hill Primary School.

2. Subject to the outcomes of the required School Organisation processes and subject to consultation with the Children, Learning and Skills Portfolio Holder, authorise the Director of Children's Services to procure capital works and award contracts to facilitate the creation of a resourced ASD provision at Mill Hill Primary School.

3. Introduction/Background

- 3.1 Since 2014, Sunderland City Council has developed ASD resourced provisions at Usworth Colliery Primary School and JFK Primary Academy. A Social, Emotional and Mental Health (SEMH) provision is currently under development at Hudson Road Primary School with discussions ongoing with settings in the Coalfields to further develop provision in that area.
- 3.2 The resourced provisions are units attached to mainstream schools that enable children to access a special educational provision within their home localities. These provisions also ensure that where assessed as appropriate, pupils can access both bespoke SEN support and the mainstream resources and curriculum.
- 3.3 However, despite ongoing development of resourced units across the city the demand for SEN places continues to exceed local demand with most settings across the city either at capacity or operating waiting lists.

4.0 Proposals

- 4.1 To make provision more accessible and geographically appropriate for younger pupils within localities, the proposal is that a 16-place primary aged ASD unit is established at Mill Hill Primary School in the South Sunderland area of the city. This would provide ASD provision to pupils between the age of 5 and 11 with EHCPs.
- 4.2 Should the proposal be agreed, the unit will be managed by the leadership team at Mill Hill Primary School with the provision based at the surplus teaching areas in the main school building.

- 4.3 Required improvements have been identified to increase the effectiveness of the proposed space at Mill Hill Primary School. These improvements include the increased availability of small group and calming rooms, provision of increased sensory resources and amended access to the SEN provision at the site. Delivery of these improvements would also result in the increased physical capacity required to deliver the 16-places required.
- 4.4 It is projected that, subject to the approval of the above proposals, the first admission to the Mill Hill Primary unit will be during the 2024/25 academic year with places to be offered once proposals have been approved.
- 4.5 The Council carried out an informal pre-publication consultation on the proposal between 10th November 2023 and 22nd December 2023. Of the 53 responses received 48 responses (91%) agreed with the Council's proposal.

5.0 Outcomes

- 5.1 The proposal would secure the increased appropriateness of placements within the local alternative provision model and SEND.
- 5.2 The establishment of a 16 place ASD provision in South Sunderland would ensure children are able to access an appropriate provision within their own home locality. As well as increasing the availability of suitable primary school provision this will also reduce home to school transport requirements for those pupils with an EHCP.
- 5.3 When local places are at capacity, as they have been since 2020/21, out of area provision or independent places are sought as an alternative. The creation of additional ASD places would result in savings to the local High Needs Funding Block when compared to independent and out of area provision.
- 5.4 It is also considered that, in addition to increasing the appropriateness of provision to children in localities, the refurbishment of surplus class bases at Mill Hill Primary School would result in a lower capital expenditure than, for example, the development of a new build provision or the physical extension of an existing school building. The proposal would therefore result in both long-term revenue savings and short-term capital savings.

6.0 Statutory Requirements

- 6.1 The proposal included within this paper is subject to the requirements of the applicable school organisation legislation, which requires publication of notice of the proposed type of alteration below, following which the School Organisation Committee of Cabinet will consider the proposal and any representations received thereon before reaching its determination upon the proposal.

Establishment, discontinuance or change in type of Special Educational Needs Provision in a mainstream school.

- 6.2 The proposal seeks to establish a 16 place ASD SEN provision. This would be a provision that is reserved for pupils with Special Educational Needs and falls outside the scope of Mill Hill Primary School's current offer. The establishment of a SEN provision within a mainstream setting is subject to school organisation requirements as set out in the Education and Inspections Act 2006 and related Regulations.

7. Suggested Reason(s) for Decision:

- 7.1 The proposal contained within this paper has been identified as necessary to ensure that Sunderland City Council continues to effectively meet its statutory duty to ensure that there are enough local school places to meet demand.
- 7.2 The proposal to provide localised SEN provision in South Sunderland will ensure that pupils with Education Health and Care Plans can access provision that meets their needs within localities. This will reduce the need for young pupils, particularly those aged between 5 and 11 years of age, to travel to central provisions to access appropriate school places. Development of resourced provisions / units within primary schools will also enable children, for whom it is appropriate, to access elements of a mainstream curriculum in a maintained primary school setting.
- 7.3 Cabinet approval is required for the capital works procurement which is anticipated to exceed £500K.

8. Alternative Options

- 8.1 The following options are not recommended for the reasons given:
- Retain current SEN site locations only – This would not enable pupils to access specialist provision within their home localities leading to extended travel time, high transport costs and greater potential for failed re-integration back into substantive school places.
 - Retain current levels of ASD provision – As all of the city's ASD provision is currently at capacity this will result in pupils being placed in out of area or independent places, resulting in increased travel time, a need to commission out of area residential places or placement at independent settings which would lead to pressure on the local High Needs Block budget.
 - Not to refurbish surplus class space at Mill Hill Primary School – This would result in the premises identified to deliver the ASD provision not being equipped to meet the needs of the pupils on roll from either a condition or suitability perspective.

9. Impact Analysis

- 9.1 **Equalities** – As part of the statutory proposals, an equality impact will be carried out to ensure that all decisions are undertaken in a fair, equitable and transparent manner, and will not affect those groups who have protected characteristics under the general equality duty.
- 9.2 **Sustainability** – The proposals contained within this paper will contribute towards the sustainability of educational places across the city.

10. Other Relevant Considerations / Consultations

10.1 Financial implications

Based on the delivery of recent capital schemes of a similar size and nature the capital costs associated with the refurbishment at Mill Hill Primary School is anticipated to be £0.650m. This will be funded from S106 funding and unallocated school capital grant balances within the approved Capital Programme.

- 10.2 The average cost of EHCP 'Top Ups' for 16 ASD places in the proposed resourced provision would be £5,440 per place per year giving a total estimated funding requirement of £0.087m per year which would be met from the High Needs Block of the Dedicated Schools Grant. This reflects an estimated total saving of £69,173 per place per year when compared to the cost of an independent or out of area placement. Total potential cost avoidance to the High Needs Block because of the proposals above would be £1.107m.

10.3 Legal Implications

As referenced in Section 6 above, the proposals contained within this paper will require the Council to follow the requirements of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 in relation to making significant changes to maintained schools.

The procurement exercises will be carried out in accordance with the requirements of the Public Contracts Regulations 2015 and the Council's own Procurement Procedure Rules.