

# ITEM 9b

**Minute Extract  
COUNCIL CABINET  
10 October 2018**

## Key Decision

### 94/18 Improving Special Educational Needs and Disability (SEND) Provision in Derby

The council cabinet considered a report which stated that the Council has an important role in championing the needs of vulnerable children in Derby, and ensuring the continued inclusion of children with special needs in all of our schools in the city. The Department for Education also required Local Authorities to consider Special Educational Needs and Disabilities (SEND) provision in the context of meeting the national SEND reforms.

It was important to note that, under the SEND Code of Practice, every school was required to identify and address the needs of the pupils that they supported. This was emphasised in the Secretary of State's speech on 5 July 2018 in that 'every school is a school for pupils with SEND; and every teacher is a teacher of SEND pupils'.

Following very careful consideration and initial consultation with parent representatives, Special Educational Needs and Disabilities (SEND) partners and headteachers, proposals were developed to improve Derby's specialist provision for children and young people with SEND and to help support parents, carers and families. The key proposals related to the following:

- a. Enhanced Resource School and Special School Placement Criteria;
- b. A fresh look at specialist provision to ensure it is relevant to current needs of children and young people in Derby;
- c. Improving SEND pupil pathways between primary and secondary Enhanced Resource School placements to help effective transition planning for children;
- d. Developing an Early Years Inclusion Fund for all Early Years providers;
- e. Capital investment to increase and improve Enhanced Resource School provision.

Consultation on the proposals took place over a six week period between 6 November 2017 and 15 December 2017. In total, 425 consultation responses were received. All comments had been grouped into categories and themes for analysis. A detailed summary of the responses received is set out in Appendix 2 of the

report. In addition, full consultation responses had been made available to all Council Cabinet Members.

The consultation exercise had been extremely helpful. Following very careful consideration of all consultation responses, and in view of the requirement to deliver the national SEND reforms, the key proposals were as follows:

- To update the placement criteria for Special Schools and Enhanced Resource Schools from September 2019, including a single set of criteria for St Andrew's School, St Clare's School, St Giles School and St Martin's Schools, as set out in Appendix 3 of the report.
- To establish pupil pathways for Enhanced Resource Schools from September 2019, as set out in Appendix 4 of the report.
- To start the initial scoping of pupil pathways for Special Schools including in relation to proposals to consider changing the age range of St Clare's School from a secondary special school to a primary special school.
- To review the number of commissioned places in each of Derby's Enhanced Resource Schools and nursery schools, to ensure that capacity meets with demand for places, as set out in Appendix 5 of the report.
- To change the number of ERS commissioned places for Brackensdale ER Primary School to 28 places for pupils with communication and interaction needs from September 2019, with additional funding and financial protection to remain in place as part of the transition process until March 2021.
- To identify alternative options for providing places for pupils with Social, Emotional and Mental Health (SEMH) needs, including proposals to start carefully planning the de-commissioning of the current provision at Alvaston Junior School and the 11-16 provision at Lees Brook School from March 2019. Subject to approval, the Council would not make any further placements in the Enhanced Resource School provision at Alvaston Junior School and Lees Brook School from September 2019 but would continue to fund places for pupils currently on roll in the provision as they move through the schools. Discussions would take place with the schools in due course as part of transition planning and de-commissioning arrangements.
- To reallocate the Enhanced Resource School funding provided to Central Community Nursery School (£142,055) and Lord Street Nursery School (£110,000), totalling £252,055, to a single Early Years Inclusion Fund which Maintained Mainstream Settings and Private, Voluntary and Independent (PVI) settings could make applications to in order to provide additional support for early years children with SEND across the city. This included proposals to start carefully planning the de-commissioning of the current provision at Central Community Nursery School and Lord Street Nursery School to take effect from September 2020.

- To work in close partnership with The Bemrose School to establish 14 primary Enhanced Resource School places at the school for pupils with communication and interaction needs.
- To commence feasibility studies for increasing and improving provision at Bemrose School and St. Clare's School, with a view to making an estimated capital investment of around £7.2m across the two schools to help support the schools in meeting the individual needs of pupils with SEND, in view of the proposed changes to the placement criteria and number of commissioned places.

As part of the Council's ongoing commitment to improving specialist provision, exceptional needs funding had already been established, as additional funding, for those pupils with very complex needs who were at risk of being placed out of the city. The exceptional needs funding was made available for all Derby special schools from April 2017 onwards. In addition, through the SEND funding banding changes, the Council had, overall, committed significant additional funding of £911,000 for our special schools and enhanced resource schools over a three year period from April 2018. The additional funding had been committed to help support the implementation of the proposals to improve Derby's specialist provision.

Subject to approval of the proposals, to ensure the effective implementation of the strategy and to support parents, it was considered important for Derby City Council to be responsible for coordinating all SEND placements in Derby. This would help ensure a consistent and coordinated approach and that pupils were placed in the most appropriate setting based on level of need.

It was important to note that no existing pupil placements would be affected by the proposals.

The Executive Scrutiny Board resolved to recognise the vital importance of early years intervention and recommend that Council Cabinet

- 1) should not decommission enhanced resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;
- 2) should ensure there is an assessment unit to lead and inform early years intervention;
- 3) should ensure clarity of pupil pathways from early years to primary places;
- 4) should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion;
- 5) should increase resource and provide funding for Brackensdale Primary School to enable it to become a centre of excellence that can provide support for other settings, to promote inclusion; and

- 6) ensure that any monies saved from the proposals should be reinvested in SEND provision and made available citywide to enhance resource.

## **Options considered**

The consultation exercise had been extremely helpful. The Council had considered, very carefully, all responses and had made changes to the proposals in light of the comments and suggestions that had been raised. In view of the consultation responses received and the requirements of the national SEND reforms, the recommendation was to approve the updated proposals, as set out in the report.

## **Decision**

1. Following very careful consideration of consultation responses on proposals to improve Derby's specialist provision, and in view of the requirements of the national SEND reforms, to approve:
  - a. the proposed updated placement criteria from September 2019, as set out in Appendix 3 of the report;
  - b. the proposed Enhanced Resource School pupil pathways from September 2019, as set out in Appendix 4 of the report;
  - c. the updated numbers of commissioned places in each of Derby's Enhanced Resource Schools from September 2019, as set out in Appendix 5 of the report.
  - d. a change in number of Enhanced Resource School places for Brackensdale ER Primary School to 28 commissioned places from September 2019, with additional funding to remain in place as part of the transition process until March 2021;
  - e. consideration of alternative options for providing places for pupils with Social, Emotional and Mental Health (SEMH) needs including proposals to start planning the de-commissioning of the current provision at Alvaston Junior School and the 11-16 provision at Lees Brook School;
  - f. the reallocation of the funding provided to Central Community Nursery School and Lord Street Nursery School to a single Early Years Inclusion Fund, including proposals to start planning the decommissioning of the Enhanced Resource School places at Central Community Nursery School and Lord Street Nursery School;
  - g. to establish 14 primary Enhanced Resource School places at the Bemrose School for pupils with communication and interaction needs;
  - h. Derby City Council being solely responsible for coordinating all SEND placements in Derby.

2. To approve the commencement of feasibility studies for increasing and improving provision at Bemrose School and St. Clare's School, with a view to making estimated capital investment of around £7.2m across the two schools.
3. To approve scheme commencement and amendment to the approved 2018/19 - 2020/21 capital programme with proposed scheme allocations as set out in Appendix 7 of the report.
4. To approve the scoping of initial proposals to establish special school pupil pathways, including initial proposals to consider changing the age range for St Clare's School from a secondary special school to a primary special school, and to seek Council Cabinet approval of the proposals, following this scoping exercise.
5. To note that a SEND Graduated Response Strategy for inclusion had been developed for consideration and Council Cabinet approval in a separate report.
6. To endorse the Council's approach of requiring all mainstream schools and enhanced resource schools to set separate budget plans in relation to prioritising SEND notional funding, and enhanced resource school funding from 2018-19 and future years.
7. To note that, subject to approval of the specialist provision proposals in recommendation 2.1 (above), Service Level Agreements (SLAs) would be updated to reflect the SEND changes for Special Schools and Enhanced Resource Schools.
8. To reject the following recommendations from Executive Scrutiny Board that Council Cabinet
  - should not decommission enhanced resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;
  - should ensure there is an assessment unit to lead and inform early years intervention;
  - should ensure clarity of pupil pathways from early years to primary places;
  - should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion; and
  - should increase resource and provide funding for Brackensdale Primary School to enable it to become a centre of excellence that can provide support for other settings, to promote inclusion.
9. To note the recommendation from the Executive Scrutiny Board requesting Council Cabinet to ensure that any monies saved from the proposals should

be reinvested in SEND provision and made available citywide to enhance resource.

## **Reasons**

1. Following careful consideration of the consultation responses, and in view of the requirements of the national SEND reforms, the recommendation was to approve the updated specialist provision proposals. Detailed information on each of the proposals was set out in the supporting information section of this report.
2. For The Bemrose School and St Clare's School, it was proposed that capital investment was allocated to provide appropriate accommodation to meet the needs of children and young people based on the proposed changes to placement criteria and number of commissioned places.
3. The consultation document on the proposals acknowledged the need for further consideration to be given to special school pupil pathways and consultation responses supported this. As a result, the Council had continued work on developing initial proposals for creating special school pupil pathways, with aligned pupil placement criteria in relation to St Giles, St Andrews, St Clare's and St Martins Special Schools.
4. In accordance with Financial Procedure Rules, amendments to the Council's capital programme were required to be reported to Council Cabinet.
5. The Graduated Response Inclusion Strategy provided support to all schools and clarity around the process and criteria for determining the level of provision needed to effectively support an individual pupil's progress. The strategy incorporated the 'assess', 'plan', 'do' and 'review' cycle as outlined in the SEND Code of Practice 0-25.
6. The Council had requested that all mainstream schools and enhanced resource schools set separate budget plans in relation to prioritising SEND notional funding and enhanced resource school funding to ensure that they were able to clearly demonstrate how the funding had been prioritised specifically for children with SEND. This also helped ensure transparency for parents and carers in relation to a school's continuing commitment to SEND and inclusion.
7. The Council continued to work in close partnership with all city schools and it was absolutely essential that all schools form part of the strategy to improve specialist provision. Given the importance of delivering the SEND reforms, SEND Vision for Derby and outcomes of the specialist provision review, it was considered essential that additional SEND requirements and principles were set out for Special Schools and Enhanced Resource Schools in Service Level Agreements (SLAs).

**MINUTES END**