

Open Report on behalf of Debbie Barnes, Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	20 April 2018
Subject:	The Building Communities of Specialist Provision Strategy: Consultation Update and Timeline

Summary:

The purpose of this report is to provide the Children and Young People Scrutiny Committee with an update on the consultation on the Building Communities of Specialist Provision Strategy and to note the revised timeline for Executive decision making.

The Building Communities of Specialist Provision Strategy proposes to make significant changes to the existing special education provision, creating an integrated and sustainable school system where pupils can attend their nearest school, confident that their education and health needs can be fully met. The strategy has been collaboratively produced with all Special School Leaders, Lincolnshire County Council (LCC) and the Lincolnshire Parent Carer Forum to ensure the proposed model is based upon sector expertise and parental views. This strategy proposes to address the current system pressures which are making the existing system unsustainable: increased demand on a limited number of school places, excessively long journeys for a significant number of pupils, the potentially detrimental impact of some Out of County placements on families and the need for significant improvements to some special school buildings.

In order to achieve this ambition, the strategy proposes implementing a sector-wide approach to special education which would enable all special schools to meet the wider range of needs of pupils in their local community.

The proposed Building Communities of Specialist Provision Strategy was presented to the Children and Young People Scrutiny Committee on 1 December 2017 and to Executive on 5 December 2017 for approval to engage in public consultation. Approval was granted to engage in public consultation on both the proposed strategy and the proposed changes to individual schools simultaneously. The strategy was subject to public consultation over a 9 week period from 8 January 2018 to 14 March 2018.

This report will provide the Children and Young People Scrutiny Committee with a brief summary of the consultation process, initial outcomes from the consultation and the revised timeline on the next steps.

The timeline has been amended to ensure all Academy Trusts and the Regional School Commissioner have sufficient time to consider the outcomes of the consultation and also to ensure that the final decision made by the Executive is informed by public consultation, the decision of Academy Trusts and the Regional School Commissioner.

Actions Required:

The Children and Young People Scrutiny Committee is invited to note and comment on the contents of the report.

1. 1. Background

In March 2017, the Department for Education announced the High Needs Strategic Review instructing all local authorities to review provision for pupils with Special Educational Needs and Disabilities (SEND) in order to ensure that there are sufficient good school places which meet the changing needs of pupils with SEND. The review required Local Authorities (LAs) to work in close collaboration with special schools and parent and carer groups to co-produce a strategic plan which delivers sustainable, good quality provision to meet current and future needs. It was also expected that LAs work with maintained schools, academies, free schools and others to agree how SEND education should be met across their area, including considering the best ways of supporting mainstream schools to meet these needs.

Locally, specialist education leaders recognised significant challenges within the existing system of provision and all agreed that the status quo could not remain. As identified in the summary to this document, increased demand on a limited number of school places, excessively long journeys for a significant number of pupils, the potentially detrimental impact of some Out of County placements on families and the need for significant improvements to some special school buildings have all led to sector leaders identifying the need for change.

A shared response was required to these significant challenges and collaboration between Special School Leaders, LCC, Lincolnshire Learning Partnership and Lincolnshire Parent Carer Forum was established as the foundation for developing an effective solution. With a commitment to developing a sustainable, inclusive and localised special education system the Building Communities of Specialist Provision Strategy was developed.

This strategy set out the shared vision for the future of SEND provision based on a model that would enable pupils to access a special school as close as possible to home that could meet their individual needs.

The proposed Building Communities of Specialist Provision Strategy was presented to the Children and Young People Scrutiny Committee on 1 December 2017 and to the Executive on 5 December 2017 for approval to engage in public

consultation. Approval was granted to engage in public consultation on both the proposed strategy and the proposed changes to individual schools simultaneously. The strategy was subject to public consultation over a 9 week period from 8 January 2018 to 14 March 2018.

The consultation period for this strategy has now ended, with initial findings as follows:

- Contributions to the consultation have been large in number, across the wide range of opportunities, with 667 responses to surveys, 236 people attending the consultation events and 25 respondents submitting comments and additional questions via email.
- All consultation events have been informative and generated valuable and insightful discussion, with many parent/carers and school staff seeking reassurance over some specific issues and many key themes emerging. The majority of the consultation events provided an opportunity to raise concerns, dispel myths and for many parents and staff the opportunity to express their support for the strategy.
- Throughout the consultation the strategy has received overwhelming levels of support, evidenced through the survey data and feedback from some consultation events. Initial analysis indicates that between 79% and 85% of respondents agree or agree strongly with the key messages in the strategy. Only 8% - 9% overall disagree or strongly disagree with the key messages within the strategy.
- With regards to data confidence, for a target population of 5000 people, with a reasonably representative spread of respondent category type and geography, 387 responses would be required to give a 95% level of confidence that views received are representative of the target population, with a 5% margin of error. With 667 responses the surveys confidence margin has been assessed as 99% (+/- 5%).

The implementation of the Strategy, if approved, will be complex involving the co-ordination of a number of legal processes for the making of alterations to school organisation across both the maintained and Academy sectors. The timeline for the strategic approval process has been reviewed to ensure that the different processes can, as far as possible, be aligned. This will ensure that Council decision-makers have as much information as possible, as to what is happening across the system, to inform their decision, both in relation to the final approval of the strategy and the maintained school alterations that flow from it.

As the consultation is now complete, the next stage is therefore to share the findings with the relevant Academy Trusts to enable them to consider the consultation outcomes and make their own independent decisions regarding the proposals affecting their schools. If there continues to be support for the proposals, each Academy Trust will develop a comprehensive business plan which will be submitted to the Regional School Commissioner, who is the formal

decision-maker in law regarding the approval of proposed changes to an Academy.

The intention is for all Academy Trusts supporting the proposals to submit their Business Cases to the Regional School Commissioner for consideration at the Head Teacher Board on 21 June 2018. This is consistent with the Department for Education (DfE) guidance: Making significant changes to an open academy.

Any changes to Local Authority Maintained schools needs to go through a significantly different process set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the DfE guidance: Making prescribed alterations to an LA maintained school.

As referred to above, the consultation which was approved by the Executive in December 2017, constituted both a consultation on the strategy and an initial stage of consultation on the school alteration proposals that would be required by the Strategy. This initial period of informal consultation is encouraged by but not required by the DfE guidance.

However, before a decision could be reached to approve an alteration to a maintained school, the Council is required to conduct a statutory consultation by publishing a formal notice and allowing 4 weeks for the making of representations.

Therefore, in accordance with the Council's usual process for the making of prescribed alterations, the Executive Councillor for Adult Care, Health and Children's Services will need to consider the outcomes of the consultation conducted so far and decide whether to proceed to the formal representation period as outlined in the DfE guidance. The intention is for the Executive Councillor for Adult Care, Health and Children's Services to decide whether to progress to the representation period in July 2018 with representation starting in September and lasting 4 weeks, should that decision be made. This will avoid school holidays.

Timing the Executive Councillor's decision to proceed to statutory consultation to take place in July 2018 means that it will be taken in the knowledge that Academy Trust Business Cases have been submitted to the Regional School Commissioner and the Regional School Commissioner's decision is likely to have been shared. This will give the Executive Councillor additional assurance that the required system-wide co-ordination is being achieved.

Please note that the earliest point at which the consultation findings will be considered by the Executive Councillor will be in July, as part of the decision whether to progress to statutory consultation. The fully analysed consultation findings will also be shared with the members of the Children and Young People Scrutiny Committee at the same time but will not be considered formally by the Committee at that time. This is consistent with the Council's usual process in terms of school organisation changes, where the decision to consult is not the subject of scrutiny but the final decision is.

The consultation findings will therefore be formally considered by the Committee prior to the final decision being made. The intention is that this will be at the Committee's meeting on 19 October 2018 prior to a final decision, intended to be taken by the Executive at its meeting on 6 November 2018.

The Executive decision will be based on a report (which will be considered by the Committee) which brings together all the relevant considerations including the consultation findings in relation to the Strategy, the findings of the statutory representation period and the decisions of the Academy Trusts and the Regional School Commissioner in relation to Academy Trust changes and will invite the Executive to consider whether to approve the Strategy and the maintained schools alterations that flow from it.

2. Conclusion

This report provides an update on the consultation process. It outlines the revised timeline for next steps. The members of the Children and Young People Scrutiny Committee will be sent the findings of the consultation in July 2018. At the same time the Executive Councillor for Adult Care, Health and Children's Services will make a decision on progressing to the representation period for LA maintained schools. The original consultation findings and the results of the representation period will be considered by the Committee along with the decision of the Academy Trusts and the Regional School's Commissioner in October 2018. This will enable the Committee to undertake pre-decision scrutiny on whether the Executive should approve the strategy and the school alterations which flow from it.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

Yes

b) Risks and Impact Analysis

A Risk and Impact Analysis has been completed for the proposed strategy and model. It is currently being updated in response to the public consultation and is available from the SEND Project Office.

4. Background Papers

Document title	Where the document can be viewed
Building Communities of Specialist Provision Strategy	Children's Services
DfE Guidance: Making significant changes to an open academy	Children's Services

DfE Guidance: Making Prescribed Alterations to a Local Authority Maintained School	Children's Services
Executive Report - Building Communities of Specialist Provision: A Collaborative Strategy for Children and Young People with Special Educational Needs and Disabilities (SEND) in Lincolnshire dated 5 December 2017	Democratic Services http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4681&Ver=4

This report was written by Eileen McMorrow, who can be contacted on 01522 552632 or Eileen.McMorrow@lincolnshire.gov.uk.