

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

Report to:	Executive
Date:	06 November 2018
Subject:	Building Communities of Specialist Provision for Children and Young People with Special Educational Needs and Disabilities
Decision Reference:	I015623
Key decision?	Yes

Summary:

The purpose of this report is to present the Building Communities of Specialist Provision Strategy to the Executive for consideration and approval. The report will outline the proposed vision for Special Educational Needs and Disability (SEND) provision to be implemented over the next 5 years, subject to approval. It includes details of the prescribed alterations for the special schools and the strategies identified to address the existing challenges of sufficiency and suitability in the current system. The strategy can be viewed in Appendix A and should be considered alongside this report.

The Executive is being asked to consider the outcome of both the statutory and non-statutory public consultations in respect of both the strategy itself and the proposed changes to the LA maintained schools affected by it. The Executive should be aware that the proposed changes to the Academies cited in the strategy have already been approved by the Regional Schools Commissioner, so there are no additional decision-making processes required for the approval of the strategy beyond the one from this report.

Recommendation(s):

That the Executive:

- 1) Consider the outcome of the informal public consultation and the Council's response to it as set out in the report section 6 and Appendix B and C;
- 2) Consider the outcome of the formal representation period for the Council's maintained special schools cited in the strategy as outlined in the report, section 6;
- 3) Approve the Building Communities of Specialist Provision Strategy attached in Appendix A;
- 4) Approve the alterations to Council maintained special schools set out in the table in the section of the report headed "Maintained School Alterations" to take effect on or from the Implementation date specified in the said table.

Alternatives Considered:

That the Executive does not agree to adopt the Building Communities of Specialist Provision Strategy or the prescribed alterations to the 3 LA maintained schools that underpin it.

If the Executive Council does not approve either the strategy or the associated alterations to the 3 LA maintained schools then the existing pressure on the special school system will remain. The demand on special school places will continue to increase as the number of pupil's with a greater complexity of need are identified as requiring specialist education. School designations will remain with pupils travelling excessive distances to access a school designed to meet their needs. Lincolnshire's special schools will continue to educate pupils with SEND in buildings with a lack of space for their existing pupils. Pupils with very specific needs will continue to require an education in specialist Out of County placements.

That the Executive Council agrees the strategy but not the associated alterations to the 3 LA maintained schools.

The Building Communities of Specialist Provision Strategy can only be successfully implemented if all school alterations are approved. The model requires all schools to be able to meet All Needs and for pupils with SEND to be educated in their local communities. The Academies cited in the strategy have given their full commitment to the strategic vision and have been granted approval to make the required alterations from the Regional Schools Commissioner. If the Executive were to approve the strategy but not the related school changes, the strategy could not be implemented as there would be 3 special schools in Lincolnshire which would not be able to meet the need of all pupils with SEND in their local communities.

Reasons for Recommendation:

Approval for the Building Communities of Specialist Provision Strategy is sought to make significant improvements to SEND provision, so pupils can access an integrated school system which meets All Needs, in the right place, at the right time as close to home as possible. This shared vision will ensure that Lincolnshire has a long-term strategy for pupils with SEND, ensuring sufficient special school places, reducing travel time and enabling pupils who have previously been educated in specialist Out of County Provision, the opportunity to be educated in their own communities. It will enhance sector collaboration, encouraging mainstream and special schools to work closer together by sharing expertise and best practice, to the benefit of all pupils with SEND. It will also enable special school pupils to have their health and therapeutic needs met primarily in a school setting and offer them improved opportunities to access mainstream provision and social events.

In deciding whether approve the final strategy and schools alterations within, the Executive should give particular note to the following issues:

- 1 The fact that the alterations to academies cited in the strategy continue to be fully supported by the Academy Trusts and have all received approval from the Regional Schools Commissioner. There is therefore no impediment from the academy to the co-ordination of the necessary changes across all schools needed to give effect to the strategy.
- 2 The responses to the consultation, both statutory and non-statutory, on the strategy itself. This report provides a summary of the consultation outcome in section 6, with the full report in Appendix B.
- 3 That no representations have been made with regards to the proposed alterations to the 3 LA maintained schools within the statutory representation period.
- 4 That there is no reason as to why the strategy and the school changes within cannot be approved as all parties are united in their drive to implement this vision and all statutory process have been approved, bar this final decision.

Adopting the strategy and approving the prescribed alterations to the 3 LA maintained special schools will provide reassurance to the Regional Schools Commissioner and Academy Trusts that the LA is equally committed to the shared vision for SEND provision.

1. Background

Previous Decision-Making

The proposed Building Communities of Specialist Provision Strategy was presented to Children and Young People's Scrutiny Committee on 1st December 2017 and Executive on 5th December 2017 for approval to engage in public consultation. After extensive discussion, approval was granted to engage in public consultation on both the strategy and the proposed individual school changes cited within.

Consultation on both the strategy and the proposed school changes within was held from 9th January 2018 to 14th March 2018 and provided fair and ample opportunity for interested parties to make representations. The outcome of this informal consultation period can be viewed in Appendix B. The Council's response is in Appendix C.

Once the informal consultation period had been completed and all contributions collated, the outcome was shared with the academies cited in the strategy to inform the required decision making processes as outlined in DfE Guidance "Making significant changes to an existing academy" March 2016. In response to the outcome of their individual school consultations, all academies submitted business cases to change designation (and expand and amalgamate, where

appropriate) and these were approved by the Regional Schools Commissioner in July 2018.

In July 2018, The Executive Councillor was asked to consider the outcome of the informal consultation period and grant approval to engage in statutory consultation for the 3 LA maintained schools, in accordance with DfE Guidance "Making prescribed alterations to maintained schools" April 2016.

Approval was granted for the statutory representation period to be undertaken in respect of the following schools:

St Francis Special School, Lincoln	30 th August 2018 – 27 th September 2018
St Christopher's School, Lincoln	30 th August 2018 – 27 th September 2018
The Willoughby School, Bourne	31 st August 2018 – 28 th September 2018

The statutory representation period has now ended; there have been no representations made. Approval for the final strategy is now being sought.

The Strategy

In March 2017, the Department for Education announced the High Needs Strategic Review, instructing all LA's to review provision for pupils with SEND in order to ensure that there are sufficient good school places which meet the changing needs of pupils with SEND. The review required LA's 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.

Locally, Education Leaders recognised significant challenges within the existing provision and all agreed that the status quo could not remain. 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 of School Leaders and the Parent/Carer Forum was identified as the foundation for developing an effective solution. With a commitment to developing a sustainable, inclusive and localised special education system, Special School Leaders, Lincolnshire Parent Carer Forum (LPCF) and the LA co-produced the Building Communities of Specialist Provision Strategy and have formed a collaboration to oversee the strategy's implementation, known as the Lincolnshire SEND Alliance (LSA).

The strategy will make significant changes to the existing special education provision, creating an integrated and sustainable school system where pupils can attend their nearest special school, confident that their education and health needs can be fully met.

In order to achieve this ambition, the strategy would implement a locality-based, sector-wide approach to special education which would enable all special schools to meet the wide range of needs of pupils in their local community. As existing special schools are designed to meet specific designations of need, each school would be

required to change its designation to enable them to meet All Needs. In addition, the strategy will increase the special school estate by over 500 places to address the growing demand, through significant capital investment to support expansion, where there is an identified need. The allocated capital investment would be utilised to improve premises and facilities, enabling each school to offer places to pupils from within their local communities with All Needs. The strategy also proposes establishing special school satellite provision within mainstream schools where pupils on the special school roll could be individually supported to access the mainstream curriculum and social opportunities.

In addition to the proposed alterations to the existing special schools, the strategy proposes to submit bids to the DfE for new free schools. The priority and first bid will be situated in Lincoln City, to meet the increasing demand for special school places in this area. This increased capacity would also help to address the significant over-crowding at Lincoln St Christopher's School and allow the proposed building work to be completed on this site with minimum impact of current pupils. The LA's application for a new free special school will be submitted by 15th October 2018 and the outcome announced in early 2019. Subject to further opportunities to bid for an additional free school and subject to the criteria for free school being met; the strategy proposes to develop a new special school in North Kesteven to ensure that all localities across the county have access to sufficient special school places.

The strategy requires all special schools to make significant changes to the type of need catered and expansion where need has been identified and these are outlined in detail below.

School Changes

Academy Alterations

All Academies within the strategy have considered the outcome of their individual consultations and have confirmed their formal commitment to the changes required for their schools. Academies have had their requests for change to type of need, expansion and amalgamation approved by the Regional Schools Commissioner, following discussion at the Head Teacher Board on 21st June 2018.

The following changes to Academies have been approved:

St Lawrence School, Horncastle	
Significant Change	Change to need catered for: from MLD/SLD to All Needs. Increase in capacity from 80 to 150.
Implementation Date	Sept 2021
St Bernard's School, Louth	
Significant Change	Change to need catered for: from SLD/PMLD to All Needs. Increase in capacity from 88 to 100.
Implementation Date	Sept 2022

The Eresby School, Spilsby	
Significant Change	Change to need catered for: from SLD/PMLD to All Needs. Increase in capacity from 64 to 84.
Implementation Date	Sept 2020

The Sandon School and Ambergate Sports College, Grantham	
Significant Change	Amalgamation to one school across 2 sites. Change to need catered for: to All Needs across one school from a SLD/PMLD school and an MLD/SLD school. Increase in capacity from 152 to 229.
Implementation Date	Sept 2021

The Priory School and The Garth School, Spalding	
Significant Change	Amalgamation to one school across 2 sites. Change to need catered for: to All Needs across one school from a SLD/PMLD school and an MLD/SLD school. Increase in capacity from 128 to 177.
Implementation Date	Sept 2022

The John Fielding School, Boston	
Significant Change	Change to need catered for: from SLD/PMLD to All Needs. Relocation Increase in capacity from 56 to 140.
Implementation Date	Sept 2021

Gosberton House Academy, Gosberton	
Significant Change	Change to need catered for: from ASD/SLCN to All Needs.
Implementation Date	Sept 2023

Warren Wood and The Aegir School (Mayflower Specialist Academy) already meet All Needs across both schools so no business case has been submitted as there are no significant changes to either.

Formal approval for these significant changes has now been confirmed by the Regional Schools Commissioner and these changes can proceed, on or before the implementation dates.

Maintained School Alterations

On 27th July 2018, the Executive Councillor for Adult Care, Health and Children's Services gave approval to move to formal representation period for the 3 LA maintained schools.

In accordance with the process set out in DfE statutory guidance "Making prescribed alterations to maintained schools", Statutory Notices were published, on the first day of the representation periods in the local press, posted on the

school gates and displayed in public areas in the schools. In addition, there was the opportunity for further consultation, this was publicised on the LA website, with a number of mechanisms for contribution provided.

There have been no representations made in relation to the proposed alterations to the 3 LA maintained schools during this period.

In light of this, approval is sought for the following alterations to the LA maintained schools cited in the strategy:

St Francis School, Lincoln	
Prescribed Alterations	Change to need catered for: from PD/PMLD to All Needs. Increase in number of places from 128 to 173.
Implementation Date	Sept 2021

St Christopher's School, Lincoln	
Prescribed Alterations	Change to need catered for: from MLD/SLD/ASD to All Needs.
Implementation Date	Sept 2023

Willoughby School, Bourne	
Prescribed Alterations	Change to need catered for: from SLD/PMLD to All Needs. Increase in number of places from 80 to 148.
Implementation Date	Sept 2020

Factors to be considered by Decision Makers

The following factors must be given due consideration in accordance with DfE Guidance for decision-makers; "Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals" April 2016.

The Consultation and Representation Period

Executive must be satisfied that the appropriate consultation and representation periods have been carried out and that all of the responses received have been given due consideration.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states *"a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication"*. The LA conducted a nine week period of pre-consultation from January – March with fair and ample opportunity for interested parties to make representations. Details of this consultation period can be found in Section 6 and Appendix B and the LA's response in Appendix C.

A Statutory Notice and Complete Proposal initiating a four week Representation Period, were published in accordance with current statutory requirements.

The representation period for the 3 LA maintained schools were:

St Francis Special School, Lincoln 30th August 2018 – 27th September 2018

St Christopher's School, Lincoln 30th August 2018 – 27th September 2018

The Willoughby School, Bourne 31st August 2018 – 28th September 2018

Responses submitted during both statutory and non-statutory consultations have been made available to the Executive for consideration when taking the final decision, in Section 6 of this report and in Appendix B. There have been no representations made during the formal representation period for the 3 LA maintained schools.

Education standards and diversity of provision

Executive should consider the quality and diversity of schools in the area and be satisfied that the proposal will meet the aspirations of parents, contribute to raising local standards of provision and lead to a closing of attainment gaps. The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live.

The LA believes that this proposal provides the best option to improve standards of attainment with an enhanced quality of education whilst maintaining diversity. The purpose of the capital investment programme is to ensure all special school have the facilities and resources to meet the needs of all pupils with SEND in their local community. This strategy will create a more diverse special school system which offers excellence and inclusiveness regardless of where pupils live.

Demand

Executive must consider the evidence presented for any projected increase in pupil population (e.g. planned housing developments and increasing birth rates) and any anticipated new provision (e.g. a new free school).

SEND placement planning projections indicate the number of places required in special schools to meet future demand will increase by over 6% by 2023, based upon an adaption of the current formulae used to predict mainstream school places. This predicted increase is supported by the average rise in commissioned places since 2015 of approximately 2% annually. Demand on special school places is increasing year on year and there is a clear need to expand the sector to adequately meet need and ensure sufficiency for future pupils.

The strategy will increase special school places across the whole estate by over 500 places to meet the need for increased demand.

Equal Opportunity

The LA must have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations and should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion.

There are no sex, race or disability discrimination issues arising from this proposal. Details of how the strategy will enhance the experience of children and young people with SEND can be viewed in the Equality Impact Assessment (Appendix D).

Community cohesion

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

The strategic vision for SEND is to build communities of place for children and young people with SEND, around their local schools. Pupils attending their local special school will benefit from less travel and more social time with their families and in their local communities, engaging with their school friends.

The proposals for enhanced mainstream inclusion through satellite provision will enable pupils with SEND to be educated in their local mainstream school alongside their peers and experience greater social opportunities. Areas where the proposed satellite provision already exists have reported improved levels of understanding and tolerance regarding SEND amongst mainstream pupils. If approved, this strategy will have a positive impact around community cohesion, enabling children and young people with SEND to add value to their local communities.

Travel and accessibility

Executive should be satisfied that accessibility planning has been properly taken into account and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

If this proposal goes ahead it should reduce the likelihood of local children having to travel to schools outside of their local community and therefore assist the Council to meet this duty. The County Council home-to-school transport policy will continue to apply with entitlement to transport based on need but as more pupils will be attending their local Special School, journey times will be significantly reduced.

School premises and playing fields

All schools are required to provide suitable outdoor space to both enable physical education for pupils in accordance with the curriculum and also for pupils to play outside safely. DfE guidelines suggest areas for pitches and games courts but these are non-statutory.

All building schedules within the strategy have been compiled within the requirements of Building Bulletin 104 and in discussion with Head Teachers.

Suitable outdoor space has been considered in proposed school developments for all special schools including the 3 LA maintained settings.

Special Educational Needs (SEN) Provision and SEN Improvement Test

If approved the strategy and school changes that flow from it will have a positive impact on SEND provision for pupils of both in both mainstream and special school and their families. Implementation of the strategy will lead to significantly increased capacity in special schools, reduced travel time for pupils, enhanced opportunities for mainstream inclusion and pupils who would previously been educated in Out of County provision will be able to access their education locally. The strategy document (Appendix A) sets out the benefits of the proposed integrated special schools system in detail.

Funding and Finance

The Executive should be satisfied that any land, premises or capital required to implement the proposals will be available and that all relevant parties have given their agreement. Where the expansion is reliant on the DfE for funding it cannot be assumed that approval of the proposal will trigger the release of capital funds unless previously confirmed in writing.

The DfE allocated £0.284m to Lincolnshire to conduct a High Needs review and develop its strategic plan for SEND provision. This plan has been published on the Lincolnshire Family Services Directory and will be updated annually every March. The publication of the proposed plan has secured a DfE allocation of £2.852m for capital investment to increase SEND sufficiency over the next 3 years. The DfE has identified SEND sufficiency as a Government priority and it is reassuring that capital investment is being made in this area.

Implementing the capital programme of works to ensure all special schools have the facilities and premises to meet all needs including a new school at Boston, with appropriate inflationary increases in line with a 5 year delivery plan, is projected to cost circa £50m. If capital expenditure were to exceed projected costs, the LA would ensure contingency plans are in place to address any overspend. In a project of this magnitude there is ample opportunity to address building schedules to minimise any potential overspend and to seek additional funding opportunities.

Funding Allocations

Amount	Source
£25.1m	Maintenance Grant
£3.2m	Basic Need Grant
£0.84m	Internal Capital
£2.852m	DfE SEND Capital
£2.525m	Condition Improvement Fund (CIF)
£16.12m *	Future Basic Need Grant (* indicative)
£50.637m	

Capital funding of £34.517m has been earmarked. The future basic need allocation is indicative at this stage, as allocations are only provided for the next 3 years. The amount determined is based on the LA capital return for 2021/22 and 2022/23 and final funding allocations will be subject to confirmation from central government.

The Council is firmly committed to implementing this strategy to improve the lives of pupils with SEND and their families whilst recognising there is a financial risk due to future basic need being indicative. The risk is understood, and the funding requirements have been identified through the LA capital return submission and are substantiated through the strategy to increase the special school estate by over 500 places.

Community Inclusive Trust have already contributed over £2.5m through a successful CIF bid, and all other Academy Trusts have committed to ensuring all future CIF bids are consistent with the vision outlined in the strategy. There are currently 3 CIF bids being developed in line with the wider strategy for submission in the next round of applications.

Government treasury are expected to release further SEND capital opportunities over the coming year either through direct allocations or bidding rounds, which Lincolnshire will be wishing to explore.

The LA will also be submitting an initial application to the DfE for the first and priority new free special school by 15th October 2018, as part of this strategy. Applicants will be informed by early 2019 if they have been successful and sponsors invited to tender for the free school in Spring 2019. The LA believes its application will be well-received by the DfE and the approval of this strategy will give further support to Lincolnshire's position.

Additional funding to support the implementation of the SEND vision has been identified from the Dedicated Schools Grant. These one-off brought forward monies will be utilised to develop the revenue elements of the strategy including implementation of the workforce development framework, and supporting schools with planned growth in places.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The primary equality consideration for the strategy is the protected characteristic of people with disabilities, as it proposes to significantly alter the educational experience of pupils with SEND. In producing the strategy, the needs of pupils with SEND and their families have been central to its development with the primary aim of reducing the negative impact of excessive travel time to school which their mainstream peers do not experience. In order to ensure pupils with SEND and their families opinions are considered throughout the strategy, Lincolnshire Parent Carer Forum have been involved in its coproduction and were actively involved through the consultation period. The LPCF have also represented the views of parent/carers of children and young people with SEND as a member of the Lincolnshire SEND Alliance and at all work streams focused on the implementation of this strategy.

The strategy proposes to reshape the special school system to remove designations from the entry criteria, enabling pupils to attend their local school which will meet all type of need and disability. By investing in school infrastructure they have the ability to better meet all need, pupils will be able to attend school locally, meaning they no longer have to travel significantly long journeys and reduce the negative effects of daily long-distance travel.

By removing the barriers of designation from special schools, the strategy will also seek to reduce separation in schools and offer pupils with SEND more opportunity for integration and inclusion.

The proposed mechanisms within the strategy which will address the need for greater collaboration between mainstream and special school i.e. special school satellites, will offer greater inclusion and enable pupils with SEND to access more mainstream opportunities. These may include access to the mainstream curriculum, social activities and extended day; affording pupils with SEND the equal opportunities and experiences of their mainstream peers. This strategy also

encourages pupils with SEND to foster good relationships with their mainstream peers by providing greater opportunity to associate.

Age and disability has been considered as protected characteristics with regards to pupils with SEND and their experience of transition. By removing the need to transition between schools at key points in their education, the strategy recognises that pupils with SEND have different needs than their mainstream peers when it comes to transition.

All other protected characteristics relate specifically to the educational provision pupils receive within the school setting, which is not going to change as a result of the strategy.

The Equality Impact Assessment for this strategy can be viewed in Appendix D.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Lincolnshire's Joint Strategic Needs Assessment for children and young people aged 0 – 25 with SEND, illustrates a growing trend in number and complexity of need both nationally and locally.

As of 2017, there were 105,806 pupils on roll in Lincolnshire's maintained and academy schools; of these 15.9% were in receipt of some form of provision for their Special Educational Needs. This is higher than the England average of 14.4%.

In Lincolnshire in January 2018 the position was:

- 4,560 children and young people (0-25) with a Statement or EHC Plan. This is a 16% increase from January 2017 and a 38% increase overall since the implementation of the SEND reforms in September 2014 when there were 3,300 Statements of SEN.
- 1,751 young people were placed in a maintained or academy special school. This is a 3.4% increase from January.
- 86 young people were in Non-maintained Independent special schools. Of these, 50 were in residential settings with 17 young people in a 52 week placement.
- 42 children and young people were in Independent mainstream schools.
- 660 young people were in general Further Education or Sixth Form college; an increase of 21.5% from 2017.
- 154 young people were in Specialist Post 16 settings; of these 53 were in Independent Specialist provision with 2 young people in 52 week residential placements.
- 30 young people were undertaking Traineeships, Supported Internships or Apprenticeships which is one less than there was in January 2016.
- 18 young people were Electively Home Educated.

Lincolnshire's largest cohort of pupils with an EHC Plan is those aged 11 to 16 (52.4% of all plans). In Lincolnshire there is generally an incremental rise in the numbers of pupils with an EHC Plan in each age group from 3 to 16 and then numbers drop with a sharp decline from age 20 to 24. (Source: School Census January 2017)

SEND remains more prevalent in boys than girls. 14.6% of boys in England are on SEN Support compared to 8.1% of girls. In Lincolnshire 16.3% of boys are on SEN Support compared to 9.7% of girls. In England 4.0% of boys have a statement or EHC Plan compared to 1.6% girls. In Lincolnshire this figure is 4.2% for boys and 1.6% for girls. (Source: School Census January 2017)

The significant pressures in SEND provision, evident nationally and in the JSNA, provide the drivers for this strategic change.

The Joint Health and Wellbeing Strategy prioritises the needs of children and young people with SEND through the objective:

- Ensure appropriate support services are in place for pupils with a special educational need and/or a disability.

Two primary aspirations for the Building Communities of Specialist Provision address this objective:

- Provide a local education system in which parents can have confidence that their child's education, health and care needs can be met.
- Clarify and enhance health interventions across Special schools, so all schools can meet the health and therapeutic needs of the pupils in their communities.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The decision required in response to this report does not impact crime and disorder.

3. Conclusion

The recommendation of this paper is for Executive to formally adopt the Building Communities of Specialist Provision Strategy and approve the proposed changes to the 3 LA maintained schools which flow from it. The LA has complied with its statutory duties with regard to consultation on both the strategy and proposed school changes in accordance with DfE Guidance "Making prescribed alterations to

maintained schools". Statutory representation for St Francis Special School, St Christopher's Special School and The Willoughby School has been undertaken and there have been no representations made.

The non-statutory consultation outcomes have been considered by the decision-makers for the academies within the strategy and all their significant changes have been approved by the Regional Schools Commissioner.

Executive is now invited to consider the responses to the public consultations, the response to the formal representations period and the decision-making guidance and determine whether to approve the Strategy and alterations to LA maintained schools that flow from it.

4. Legal Comments:

The Council has the power to approve the Strategy and the alterations to Council maintained schools referred to in the report.

The Executive must conscientiously consider the outcome of both the public consultation and the statutory representations process in reaching a decision on both the Strategy and the school alterations.

The Executive must have regard to the decision-making guidance and the analysis as described in the report in reaching a decision on the school alterations.

The decision is consistent with the Policy Framework and within the remit of the Executive.

5. Resource Comments:

The recommendation in the report to adopt the Building Communities of Specialist Provision Strategy and approve the LA maintained school alterations that underpin it will be supported through revenue and capital funding.

Revenue funding of £2m has been earmarked to support the implementation of this strategy from the Dedicated Schools Grant underspend following Schools Forum support – this is to support training, start-up costs, transitional support etc. The High Need block of the Dedicated Schools Grant will be required to support the place funding to schools.

Capital funding has been earmarked for the project from within the Council's capital grants and academies have also accessed capital grant funding for improvements. In addition to this, future years anticipated government grants funding have been factored in to fulfil the programme of works, which is based on a LA return for basic need requirements for 2021/22 and 2022/23. The project covers a 5 year period, therefore anticipated government grant funding will be subject to the government's next spending review, however strong indications to

date show that the government is committed to this agenda following the release of new government funding to LAs for special schools sufficiency (including a further £50m nationally on top of the £215m previously announced).

Although a financial risk exists due to the future grant funding subject to the next spending review, the LA sees this risk as manageable, and is committed to continuing to work with its schools to secure additional grant funding for the strategy when opportunities arise.

The strategy is seen to be offering value for money for Lincolnshire through pupils with SEND having sufficient special school places locally to meet needs and the financial efficiencies that come with this.

6. Consultation

The proposed strategy and school changes that flow from it have been subject to the required statutory and non-statutory consultations as set out in the following DfE Guidance:

- Making "prescribed alterations" to maintained schools, April 2016.
- Making significant changes to an existing academy, March 2016.

Non-Statutory Consultation

For a detailed account of the informal consultation process and outcome, see Appendix B.

This stage of consultation served three separate purposes:

- A consultation on the Building Communities of Specialist Provision Strategy itself;
- A consultation by the Council on the proposed changes to maintained schools which represented the initial consultation stage of the process for making changes to maintained schools set out in Guidance; and
- A consultation on behalf of the Academy Trusts responsible for the Academies cited in the strategy in relation to changes in the organisation of those Academy schools.

In summary, informal consultation indicated support for the proposed strategy through survey responses and most individual school consultations.

Where representations were made which did not support the strategy or the school changes proposed within the strategy, these have been addressed by both the LA and individual school and details of the objections can be found in the full outcome report (Appendix B).

Comments and questions presented through the consultation process have been considered and the council's response can be viewed in Appendix C.

Statutory Representation Period

The statutory representation period for the 3 LA maintained schools was conducted in accordance with DfE statutory guidance: making prescribed alterations to maintained schools. The representation period commenced on 30th/31st August 2018, for exactly 4 weeks, completing on 27th/28th September 2018.

No representations have been received relating to the proposed alterations for the 3 LA maintained schools.

Consultation Outcome

Overall the responses from the informal consultation were in favour of the strategy and the school changes which flow from it although there were strongly expressed opposition to proposed changes at one of the Academy schools and some concern expressed at St Francis School (one of the LA maintained schools). The Executive is referred to Appendices A and B for the full outcomes and analysis of the consultation responses which they must take into account in reaching a decision. As long as the Executive gives conscientious consideration to the outcome of the consultation there has been nothing in the public consultation process that would prevent the Executive from approving the strategy and the associated school changes.

There have been no responses from the statutory representation period for any of the 3 LA maintained schools. It is unlikely that this is due to a lack of awareness from parent/carers as ample opportunities to make representations were provided and the Statutory Notices well publicised. It is more likely that the informal consultation process was so extensive and wide-reaching that those associated with the 3 LA maintained schools had already made their representations and are satisfied with the strategic direction presented.

The final consultation outcome report (Appendix B) has been shared with the Lincolnshire SEND Alliance and provided all Academy Trust with sufficient evidence to confirm their commitment to the strategy. In response to the consultation outcome, all academies submitted their business cases to the Regional Schools Commissioner and were subsequently approved.

No part of the public engagement process, statutory or non-statutory, has provided sufficient evidence that the Executive Council cannot approve the strategy and school changes that flow from it.

a) Has Local Member(s) Been Consulted?

Yes.

b) Has Executive Councillor Been Consulted?

Yes.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee met on 19 October 2018 and considered a report on Building Communities of Specialist Provision for Children and Young People with Special Educational Needs and Disabilities.

The Committee unanimously supported the recommendations to the Executive and agreed to pass on the following comments as part of the consideration of this item.

- The Committee supported the level of built in sustainability and adequate capacity proposed as part of the proposals and the consideration given to future growth planning.
- The Committee welcomed the proposals on workforce development and queried whether workforce capacity would increase as part of the proposals to expand capacity. Officers confirmed that the proposals would aim for planned growth over time, with a gradual change where expansion in numbers was planned. The need to incentivise training and development within special schools as part of the talent pipeline was also endorsed as a key aim of the proposals.
- The Committee queried the level of Health engagement as part of the development of the proposals. It was confirmed that local health provision had representation as part of the project development board. Officers confirmed that engagement with Health had been positive and had identified significant areas of development for a more effective Health offer as part of the proposals.
- The Committee highlighted the proposals for enhanced mainstream inclusion to enable pupils with SEND to be educated in their local mainstream school as best practice. The Committee sought assurance that enhanced mainstream inclusion would be a key aim of the strategy. Officers confirmed that operationalising good practice was a priority and that initial work to identify possible models to achieve greater mainstream inclusion was underway. It was agreed that the Children and Young People Scrutiny Committee would receive further consideration of this area as the policy develops.
- The Committee received assurance that the level of skills and experience within the special school sector would be retained as part of the change to all need provision.
- The Committee emphasised strong support for enabling pupils to attend their local special school and the greater integration in their local communities this would bring.
- The Committee expressed thanks to the Lincolnshire Parent Carer Forum and other partners and officers for the excellent work undertaken to develop a strong groundwork, level of collaboration and commitment as part of the proposed strategy. The Committee also thanked Daran Bland, Executive Headteacher of the Priory School, the Garth School and the John Fielding School for his attendance at the meeting.

d) Have Risks and Impact Analysis been carried out?

Yes.

e) Risks and Impact Analysis

See Appendix D.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Building Communities of Specialist Provision for Children and Young People with SEND Strategy <i>(NOTE – Owing to its size, this document is only available to view electronically via the below link or upon request:</i> http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4973&Ver=4)
Appendix B	Public Consultation on the Building Communities of Specialist Provision: Consultation Outcome <i>(NOTE – Owing to its size, this document is only available to view electronically via the below link or upon request:</i> http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4973&Ver=4)
Appendix C	Public Consultation Feedback with Responses <i>(NOTE – Owing to its size, this document is only available to view electronically via the below link or upon request:</i> http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4973&Ver=4)
Appendix D:	Equality Impact Assessment <i>(NOTE – Owing to its size, this document is only available to view electronically via the below link or upon request:</i> http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=121&MId=4973&Ver=4)

8. Background Papers

The following background papers within the meaning of section 100D of the Local Government Act 1972 have been used in the preparation of this report

Document title	Where the document can be viewed
DfE Guidance: "Making prescribed alterations to maintained schools" April 2016	https://www.gov.uk/government/publications/school-organisation-maintained-schools
DfE Guidance: "Making significant changes to an existing academy" March 2016	https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy

DfE Guidance for decision-makers; "Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals" April 2016.	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf
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