



## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Outline Proposals to address Early Years, Primary, Secondary and SEN rising rolls – Update to Phase 3 and Phase 4 expansion Programme – Implementation of an Additional Resource Provision at Nelmes Primary School – whether to proceed
<b>Cabinet Member:</b>	Councillor Robert Benham, Deputy Leader of the Council, Cabinet Member for Education, Children & Families
<b>SLT Lead:</b>	Tim Aldridge, Director Children's Services
<b>Report Author and contact details:</b>	Pooneeta Mahadeo School Organisation Manager <a href="mailto:pooneeta.mahadeo@havering.gov.uk">pooneeta.mahadeo@havering.gov.uk</a> 01708 431092
<b>Policy context:</b>	The local authority has a legal duty to meet the special educational needs of those children for whom it is responsible. The needs of pupils who require <i>provision</i> additional to or different from that generally available is determined by a formal assessment pursuant to the Children and Families Act 2014.
<b>Financial summary:</b>	Cost for the building works required for providing an Additional Resourced Provision at Nelmes Primary School is estimated at £1.1m and this will be met within the SEND Capital grant.  The revenue costs related to the operation of the new provision at the school will be met from the Dedicated Schools Grant.

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<b>Reason decision is Key</b>	<b>This proposal will cost £500,000 or more</b>
<b>Date notice given of intended decision:</b>	03/04/2019
<b>Relevant OSC:</b>	Children and Learning
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

- Communities making Havering
- Places making Havering
- Opportunities making Havering
- Connections making Havering

***Place an X in the [] as appropriate***

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the statutory proposal to add an Additional Resourced Provision (ARP) at Nelmes Primary School.

School	Additional Resourced Provision (ARP)	No of pupils
Nelmes Primary School (Community)	Communication and Interaction Needs (ASD and SLCN)	12 (4-11 years)

### Recommendation

To make a decision on the proposal to add an ARP at Nelmes Primary School as set out in the Decision-maker guidance – Appendix 1

### AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet made the following decision , at its meeting on 12 October 2016,

2. Delegated the power to take further decisions regarding the approval of which settings/schools included within the report should be expanded or supported financially (subject to the appropriate statutory processes) for Phase 4 of the Expansion Programme to the Cabinet Member for Children & Learning

### STATEMENT OF THE REASONS FOR THE DECISION

The Cabinet decision of 12 October 2016 included the following:

Primary SEN places;

Agreed to establish two Additionally Resourced Provisions (ARPs) for primary children with Communication and Interaction Needs, each with 12 places in mainstream primary schools for 2017/18. The ARPs would be established in the Upminster, or Harold Hill, or Rainham and South Hornchurch primary planning areas.

One of the ARPs has been established at Mead Primary School. The ARP at Nelmes would be the second but the implementation date has slipped and it is also within the Hornchurch Planning area but close to the boundary with the Upminster Planning area and the only current viable proposal option to meet identified need. Accordingly it has been necessary to seek approval from the Lead Member as set out above.

Following the informal consultation, the Cabinet Member for Education, Children & families signed the Non-Key Executive decision on 11/04/2019 to proceed to the

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representation stage. The representation stage from 26/04/2019 to 24/05/2019 complied with statutory requirements by inviting representations from all interested parties on the proposal.

A statutory Notice, that included details of the proposal was published in the Romford Recorder on 26 April 2019; notices were also fixed to the entrance gates of the school and circulated to all interested parties including all Havering schools, neighbouring boroughs, the Diocese of Chelmsford and the Diocese of Brentwood and the DfE as required by legislation. A Notice was also published on the Council's website with a link to further information about the proposal. During the representation period, 6 comments were received.

A majority of the respondents were in favour of the proposal.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Pupils with complex SEN could be also educated within special schools. Expansion of existing special schools is not feasible within the required timeframe due to space constraints. A new special school will be opened but not until 2022 and as such is not an option in the short term.

The Council is therefore looking to increasing capacity within its existing resources and is focusing on developing new provision within its own schools. It is therefore proposing to create a number of Additionally Resourced Provision in the mainstream (ARPs), particularly in the areas where there are shortages of provision.

### **PRE-DECISION CONSULTATION**

A summary of representations received and officers' comments on them is included as Appendix 2.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 04/06/2019

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

In relation to provision for special educational needs in a mainstream school, the LA has to follow a statutory process for –

- (a) The establishment of a provision that is recognised by the local authority as reserved for children with special educational needs;
- (b) A change in the type, or types of special educational provision that is recognised by the local authority as reserved for children with special educational needs; or
- (c) The discontinuance of provision which is recognised by the local authority as reserved for children with special educational needs

Regulation 5 and 6 and Schedule 2 para 8 and Schedule 3 School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110

The details of the proposals must be placed on a website and in a local paper and to various other stakeholders.

The proposals are in line with these statutory requirements.

The decision maker must carefully consider all of the consultation responses, albeit they are all supportive of the proposals, before making the decision.

### FINANCIAL IMPLICATIONS AND RISKS

#### Capital Implications

The estimated costs for delivering Nelmes ARP is as follows:

School	Additional Resourced Provision (ARP)	Cost
Nelmes Primary	New ARP for Communication and Interaction Needs – LA to deliver building works	£1,100,000

This will be funded from SEND Capital grant.

There may be a risk that costs exceed the original proposal, at which point management action will be taken to review the available options., This would include assessing options to reduce costs (as appropriate) or seeking additional funding, ideally from funds set aside for the Special Education Needs Expansion programme.

#### Revenue Implications for schools

ARPs in Havering are funded in accordance within a Place Led Funding approach that complies with the Government's SEN Funding Reforms which came into effect in April 2018. Generally, the local authority will commission 12 places at £6k each per annum. The school retains its Age Weighted Pupil Unit funding for pupils on roll at the ARP as

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the autumn term census which is topped up to £4,000 by the local authority. For places that are not filled, £4,000 is allocated in addition to the £6,000 in cases where it is likely that the place will be filled during the year.

An additional £6,000 per place is allocated by the local authority to provide predictability and stability for the school in meeting the costs of the ARP. This replaces any "top up" funding based on the EHC plans of the individual pupils attending the ARP. All costs are met by the LA's allocation of High Needs funding from the Dedicated Schools Grant.

There is no implication to the General Fund budget of the London Borough of Havering should the scheme be approved.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications for the school to be proposed for creating Additionally Resourced Provision will be managed by the school itself. There is likely to be a need to recruit additional teaching and support staff and the school will undertake the recruitment and selection process in accordance with its own policies and procedures.

. There are growing difficulties in recruiting to teaching posts and therefore schools will need to consider that additional resources and a longer recruitment timescale may be required to fill vacancies. The Havering Education HR service will provide support as appropriate and required to all schools, academies or free schools that purchase relevant services.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

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Our aspiration for all our children and young people are the same and this is that they should all have the best opportunities to achieve and fulfil their potential. Our aim for children and young people with special educational needs (SEN) is even more ambitious in that we want them to enjoy their education in the most inclusive environment possible and be supported in participating as fully as they can in the lives of their schools and local community.

The local specialist provision will ensure that all children can have their needs met in a school as close to home possible. This will ensure that they are in the right school at the right time so that they may participate fully in the lives of their schools and make the most of their learning opportunities, supporting schools and families to help children and young people remain and develop into participative members of their local schools and community.

An EIA was carried out to review the SEND strategy in Havering – Appendix 3

## **BACKGROUND PAPERS**

**Appendix 1 – Decision- Maker guidance**

**Appendix 2 – Analysis of representation stage responses**

**Appendix 3 – EIA**

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 18/6/2019

Signed J.F.R.