

Notice of KEY Executive Decision

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| Subject Heading: | Implementation of an Additional Resource Provision (ARP) at Harris Academy Rainham |
| Cabinet Member: | Councillor Robert Benham, Deputy Leader of the Council, Cabinet Member for Education, Children & Families |
| SLT Lead: | Robert South, Director Children's Services |
| Report Author and contact details: | Pooneeta Mahadeo School Organisation Manager pooneeta.mahadeo@havering.gov.uk 01708 431092 |
| Policy context: | The Council's High Needs Strategy 2017-22, set out ambitious and realistic objectives to ensure Havering's provision is the first choice for children and young people with high needs and their families. The Strategy also recognises that children with Social, Emotional and Mental Health difficulties (SEMH), alongside those with Autistic Spectrum Disorders (ASD) are increasing in numbers and will require specialist intervention supported in a specialist resourced provision. |
| Financial summary: | Cost for the building works required for providing an Additional Resourced Provision at Harris Academy is estimated at £850k and this will be met funded from within the |

Key Executive Decision

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| | unallocated SEND Capital grant leaving a balance of £193k. The revenue costs related to the operation of the new provision at the school will be met from the Dedicated Schools Grant. |
| Reason decision is Key | Expenditure in excess of £500,000 |
| Date notice given of intended decision: | 09/04/2020 |
| Relevant OSC: | Children and Learning |
| Is it an urgent decision? | No |
| Is this decision exempt from being called-in? | No |

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

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|-------------------------------|-------------------------------------|
| Communities making Havering | <input checked="" type="checkbox"/> |
| Places making Havering | <input type="checkbox"/> |
| Opportunities making Havering | <input type="checkbox"/> |
| Connections making Havering | <input type="checkbox"/> |

Place an X in the [] as appropriate

Key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To support the implementation of an Additional Resourced Provision (ARP) at Harris Academy Rainham from September 2022.

| School | Additional Resourced Provision (ARP) | No of pupils |
|------------------------|--|------------------|
| Harris Academy Rainham | Autistic Spectrum Disorder (ASD) needs | 20 (11-16 years) |

Recommendation

- To agree the release of funding at a total value of £850,000 to the academy to proceed with build works for the ARP through a funding agreement – Appendix 3
- To support the academy to write their business case and submit through for approval.

AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet made the following decision, at its meeting on 18 September 2019,

4. **Delegate** the power to take further decisions regarding the implementation of the proposals set out in the Cabinet report and the approval of which settings/schools should be expanded including any amendments to the proposals above, such as a decision not to proceed or to expand a different setting/school, in the light of developing circumstances or the results of consultation (subject to the appropriate statutory processes) for Phase 5 of the Expansion Programme to the Lead Member for Children & Learning.

STATEMENT OF THE REASONS FOR THE DECISION

1. Forecasts for Havering resident secondary aged pupils with an Education Health Care Plan or a statement of Communication and Interaction needs are expected to rise significantly in the next few years. The forecasts shows over 50% expected increase in this type of need, for secondary aged pupils in mainstream schools from 197 in 2019/20 to 309 in 2022/23. The majority of the increase is expected to be secondary pupils with a primary need of ASD.
2. The proposed establishment of an ARP in the school will help address the demand for a suitable, local specialist provision for secondary aged pupil with autism. The expectation is that there will be a local on-site specialist provision

Key Executive Decision

with improved access to specialist staff to allow pupils with special educational needs to be taught in a mainstream setting.

3. The Agreed Place Number (APN) for Harris Academy ARP is 20. This APN does not usually count against the school's admissions numbers as all ARPs in Havering will be separately and additionally funded, although their individual modes and styles of operation may be different. Admissions to the ARP follow a different procedure from that operating for the rest of the school. Therefore, the APN does not affect the school's Published Admission Number (PAN) as set by its Trust.
4. The creation of this local specialist ASD provision should reduce the need to place secondary pupils outside of Havering, thereby reducing the cost of out of borough placements whilst helping the local authority develop more secondary school ARPs within the borough.
5. Proposed changes affecting provision reserved for pupils with SEN for academies require a full business case. For full business case proposed changes, the academy trust:
 - will need to demonstrate that a fair and open local consultation has been undertaken with all those who could be affected by the proposed change, and that
 - the academy trust has considered all responses received.
 - secure appropriate consents and permissions (planning, funding, land)

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 will not be sufficient to meet the high demand for places.

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

The consultation process ran from 1 March to 29 March 2021. In total, 41 responses were received. Of the 41 responses received, 40 were in favour, while 1 respondent was against the proposal. This represents 98% and 2% respectively for and against the proposal.

The issue raised against the proposal was as follows:

'If the ARP is linked to the main school's SEN dept. then I do not support its establishment.

If it is a separate entity then that is a different matter.

SEN provision at the school currently needs to be improved. Staff already have difficulties with

Key Executive Decision

students who have ASD and the SENCO does not effectively liaise nor support staff. There is very little (if any) training on how to support these students, or any SEN students, effectively.'

The response is:

'The ARP will be separate and additionally funded. The proposal is to build a stand-alone unit for up to 20 pupils with ASD and other complex learning difficulties to be located at the North eastern end of the North block.

There will be an increase in the number of staff employed by the school to provide appropriate specialist knowledge; expertise and support to cover and meet the needs of pupils in the ARP.'

The consultation report is included as Appendix 1

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 6/05/2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council (together with its partner commissioning bodies) has a statutory duty under section 26 of the Children and Families Act 2014 to make arrangements about the education, health and care provision to be secured for children and young people for whom the authority is responsible who have special educational needs.

The grant is ring fenced funding for the purposes of meeting SEND places as part of SEND Capital grant and will not be used by the Academy for any other purpose unconnected to the Project.

The grant will be transferred to the Trust in line with the payment schedule in the funding agreement.

Should the Academy spend any part of the funding other than in accordance with the Grant Agreement the Council has reserved the right to claw back that part of the grant funding.

The amount of the grant shall not be increased in the event of any overspend by the Academy save for any reasonable expenditure the Academy has appropriate documentation to support. In any event, Officers shall obtain authority in accordance with the Council's scheme of delegation before any further funding is granted to the Academy.

FINANCIAL IMPLICATIONS AND RISKS

Capital Implications

The estimated costs for delivering Harris Academy ARP is as follows:

| School | Additional Resourced Provision (ARP) | Cost |
|----------------|--------------------------------------|----------|
| Harris Academy | New ARP for ASD | £850,000 |

Funding by:

Unallocated SEND Capital grant £850,000
(leaving unallocated balance £193,334)

The risk will be borne by the Academy. Clear contractual arrangements will be needed to ensure that both sides meet their obligations. Funding will be released to the school in line with clear delivery milestones. Details are included within the funding agreement – Appendix 3

Revenue Implications for schools

Key Executive Decision

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.

For each place in the ARP Harris Academy receives £16,667. This is made up of £10,000 'place funding' and £6,667 (2020/21 rate) 'top-up funding'.

In the financial year that the additional places become available, the full £16,667 will be met from the High Needs Block of the Dedicated Schools Grant (DSG). In subsequent years, £4,000 for each filled place will be met from the Schools Block of the DSG as the pupils on roll will be included in the calculation of the school's formula budget share.

Revenue Implications for the local authority.

The financial impact of the additional places depends on the cost of supporting those additional pupils if they were not at the ARP. Money is saved if a pupil would have been otherwise be in an expensive out of borough provision. If a pupil would otherwise have been in a mainstream school with 1:1 support then the ARP place may be more costly, although it would be more suited to the pupils needs. Any additional cost or any saving in cost impacts the High Needs Block of the DSG.

An increase in the number of pupils placed in the ARP could lead to an increase in cost for pupil transport. It is envisaged that these costs can be contained within the budgets available

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

The human resources implications for the Academy will be managed by the Trust. There is likely to be a need to recruit additional teaching and support staff and the Academy will undertake the recruitment and selection process in accordance with the Trust's policies and procedures.

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.

Key Executive Decision

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.

An EqHIA has been carried out and the proposal in this report has been assessed as having a positive impact on groups with a protected characteristic – Appendix 2

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The proposal will have a positive impact on parents' mental health and wellbeing because the ARP establishment will mean the addition of places in a local provision and a further opportunity to continue with the progress the school is making with SEND pupils, strengthen the existing approach used in identifying pupils' needs and provide more training for staff working with pupils with learning needs.

Health and wellbeing will also be promoted, as individual support will be provided in a tailored way to cater for pupils with complex needs to help them learn and enjoy their education in the most inclusive environment possible.

BACKGROUND PAPERS

None

- Appendix 1 – Consultation report
- Appendix 2 - EqHIA
- Appendix 3 – Funding agreement

Key Executive Decision

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

Details of decision maker

Signed



Name: Councillor Robert Benham

Cabinet Portfolio held: Cabinet Member for Education, Children and Families

CMT Member title:

Head of Service title

Other manager title:

Date: 20th May 2021

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____