

Notice of KEY Executive Decision

<p>Subject Heading:</p>	<p>Outline Proposals to address Early Years, Primary, Secondary and SEND rising rolls – Update to Phase 4 and Phase 5 expansion Programme - Implementation of a new designated SEND unit for pupils with Communication and Interaction needs at St. Edward’s Church of England Voluntary Aided Primary School</p>
<p>Cabinet Member:</p>	<p>Councillor Robert Benham, Deputy Leader of the Council, Cabinet Member for Education, Children & Families</p>
<p>SLT Lead:</p>	<p>Robert South, Director Children’s Services</p>
<p>Report Author and contact details:</p>	<p>Pooneeta Mahadeo School Organisation Manager pooneeta.mahadeo@havering.gov.uk 01708 431092</p>
<p>Policy context:</p>	<p>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 SEND unit.</p>

Key Executive Decision

Financial summary:	<p>Cost for the building works required for providing a new designated SEND unit at St. Edward's Church of England Voluntary Aided Primary School is estimated at £1,271,900 and this will be met within the SEND Capital grant.</p> <p>The revenue costs related to the operation of the new provision at the school will be met from the Dedicated Schools Grant.</p>
Reason decision is Key	Expenditure in excess of £500,000.
Date notice given of intended decision:	18/10/2021
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

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"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the statutory proposal to establish a new designated SEND unit for pupils with Communication and Interaction needs at St Edward's Church of England Voluntary Aided Primary School.

School	Additional Resourced Provision (ARP)	Proposed increase
St. Edward's Church of England Voluntary Aided Primary School	Communication and Interaction Needs (ASD and SLCN)	12 places (4-11 years)

Recommendation

To approve:

1. The decision to establish a designated SEND unit at St. Edward's Church of England Voluntary Aided 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 18 September 2019,

Delegate the power to take further decisions regarding the approval of which settings/schools should be expanded including any amendments to the proposals, 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

The Cabinet decision of 18 September 2019 included the following:

3.2.3. Increasing SEND Places

ii. Primary SEND places;

Agree to establish

- One Additionally Resourced Provision (ARP) for primary children with Communication and Interaction Needs with 12 places in Scotts Primary School for 2020/21.

Key Executive Decision

- One Additionally Resourced Provision (ARP) for primary children with SEMH (Social, Emotional, Mental and Health) needs with 12 places at Suttons Primary School for 2020/21
- An ARP for 12 places (4-11) for pupils with ASD/SEMH on Beam Park School for 2021/22
- An ARP for 18 places – 6 places (2-4) and 12 places (4-11) for pupils with ASD and SEMH for 2023/24 as part of the Bridge Close development

The proposal to establish an ARP at Scotts Primary School did not go ahead due to leadership changes and hence this proposal is being considered at St Edward's Church of England Voluntary Aided Primary School.

Following the informal consultation, the Assistant Director Education Services signed the Non-Key Executive decision on 03/09/2021 to proceed to the representation stage. The representation stage from 10/09/2021 to 08/10/2021 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 the 10/09/2021; 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. No comments were received during the representation period.

If implemented, this designated SEND unit for pupils with Communication and Interaction needs will be a bespoke provision specifically adapted to meet each pupil's needs through a flexible and tailored approach.

The designated SEND unit will help address the gap in provision for pupils with Communication and Interaction needs and provide increased opportunities for pupils with special educational needs and disability (SEND) to remain and be taught within their local community, making it easier for parents to be actively involved.

The expectation is that this local provision will provide good value for money as it will reduce the cost of out borough placements and the need for pupils to travel long distances away from their families in order to access the support they require. The total project cost is estimated to be in the order of £1,271,900 (including professional fees, furniture, fixtures and equipment (FF&E) etc) and a breakdown is included within the financial section.

OTHER OPTIONS CONSIDERED AND REJECTED

Pupils with complex SEN could also be educated within special schools. Expansion of existing special schools is not feasible due to space constraints. A new special school will be opened but not until 2023 and as such is not an option in the short term.

Key Executive Decision

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 designated SEND units in the mainstream, particularly in the areas where there are shortages of provision.

PRE-DECISION CONSULTATION

The statutory notice was published on 10/09/2021 and launched the four week representation period which ended on 08/10/2021.
No comments were received during the representation period.

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 22/11/2021

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 had to be placed on a website and in a local paper and to various other stakeholders, which has now been completed as set out in the Report.

The Decision maker must consider any representations made during the formal notice period. However, as no representations have been made the Decision Maker is free to exercise his/her judgement and following the guidance set out in Appendix 1.

FINANCIAL IMPLICATIONS AND RISKS

Capital Implications

The estimated costs for delivering St Edward's SEND Unit is as follows:

Build Cost (Contract)	940,000
External Works (Contract)	Included in Build Cost
Abnormals (Contract)	Included in Build Cost
Total Contract Value	940,000
FF&E (incl ICT etc.)	Included in other project costs
Fees (Incl Planning Fees, Surveys etc.)	137,000
Project Contingency, Inflation, other project costs (Contract)	194,900
Project Total	1,271,900

It is envisaged that this scheme will be funded from the recently announced SEND Capital Allocation 2021/22 of £2,206,149.

Risks

Key Executive Decision

There may be a risk that tender costs will be significantly higher than estimated. At which point management action will be taken, following a review of available options, which will include options to reduce costs (as appropriate) or seek additional funding, ideally from funds set aside for the Special Education Needs Schools programme. A separate Decision will be submitted prior to the award of tender which will reassess the financial implications of the project.

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 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 £6,667 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.

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.

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

The human resources implications for the school to be proposed for creating designated SEND unit will be managed by the school itself, supported when required by HES HR. There is likely to be a need to recruit additional teaching and support staff and the relevant school will undertake the recruitment and selection process in accordance with the appropriate 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

BACKGROUND PAPERS

None

Appendix 1 – Decision- Maker guidance

Appendix 2 – EqHIA

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

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 _____

Signed _____