

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Outline Proposals to address Early Years, Primary, Secondary and SEND rising rolls – Update to Phase 4 and Phase 5 expansion Programme – Publication of statutory notice for the establishment of a SEND Unit at Suttons Primary School
<b>Decision Maker:</b>	Trevor Cook, Assistant Director Education
<b>Cabinet Member:</b>	Councillor Oscar Ford, Cabinet Member for Children & Young People
<b>SLT Lead:</b>	Robert South, 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 additional to or different from that generally available</i> is determined by a formal assessment pursuant to the Children and Families Act 2014.
<b>Financial summary:</b>	The administrative costs of publishing the statutory notice and proposal can

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	be met from existing revenue budgets. Implementation of notice expected to cost £1.6m this will be met within the SEND Capital grant.
<b>Relevant OSC:</b>	People OSSC
<b>Is this decision exempt from being called-in?</b>	Yes

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**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"/>

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

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The decision is to publish, in accordance with DfE Guidance, a statutory notice and prescribed information setting out the Local Authority's formal proposal to create a SEND Unit at Suttons Primary School.

School	Designated Unit	No of pupils
Suttons Primary School	SEMH – Social, Emotional and Mental Health needs	12 (4-11 years)

The statutory notice is included as Appendix 1.

### 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 these proposals 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

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.
- 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

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- 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

One of the key changes proposed in the Havering High Needs Strategy 2017-2022 is the delivery of an on-going programme to create more SEND units in mainstream settings.

Our SEND projections show that we expect the number of primary school pupils with an Education, Health and Care Plan (EHCP) to increase as shown in the table below:

<b>Academic year</b>	<b>Cognition and Learning</b>	<b>Communication and Interaction</b>	<b>SEMH</b>	<b>Physical and/or Sensory</b>	<b>Totals</b>
2018/19	64	281	50	57	<b>452</b>
2019/20	89	304	49	53	<b>495</b>
2020/21	122	357	71	55	<b>605</b>
2021/22	139	454	77	59	<b>729</b>
2022/23	145	514	87	65	<b>812</b>
2023/24	164	572	110	76	<b>921</b>
2024/25	179	612	131	81	<b>1003</b>
2025/26	187	653	162	88	<b>1090</b>
2026/27	215	680	215	92	<b>1203</b>

We expect the number of primary pupils with SEMH to increase from 77 in 2021/22 to 215 in 2026/27 (179% increase). There is currently no primary designated unit for SEND pupils with SEMH needs.

The SEND unit at Suttons Primary School will meet the needs of pupils with an EHCP of, SEMH whose needs are not severe enough to require a place at a special school but who will require spending significant proportions of their time in the SEND unit. The proposed SEND unit will enable these pupils to have their additional needs met while accessing education at a mainstream primary school through a flexible approach tailored and adapted to their needs.

The establishment of a SEND unit at Suttons will build on the good education already being delivered at this school and will further enhance the education offer, the school provides to the community.

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 LA is required to follow a statutory process to establish/remove/alter SEN provision in a mainstream school.

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<b>Statutory Proposal Timeline</b>	
<b>Key milestones</b>	<b>Date</b>
<b>Statutory Stage 1</b> – Publication of Statutory Notices	28/10/2022
<b>Statutory Stage 2</b> – Representation Period (formal consultation)	25/11/2022
<b>Statutory Stage 3</b> - Decision on proposals The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.	December 2022
<b>Statutory Stage 4</b> – Implementation	As specified in the published statutory notice, subject to any modifications agreed by the decision-maker

### **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. Development of a new special school is extremely costly and has a long lead in time 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 designated SEND units in the mainstream, particularly in the areas where there are shortages of provision.

### **PRE-DECISION CONSULTATION**

Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.

Consultation took place from 21 March 2022 to 2 May 2022. A total of 32 responses were received. Of the 32 responses received, 22 (69%) were in favour of the

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establishment of the SEND Unit while 10 (31%) respondents were against the proposed SEND Unit.

The main issues raised from those against the proposal were:

- Increased traffic - parking
- Need to get additional staff for the SEND Unit and not use existing staff from the school
- The school is already under increased pressure with children with SEND needs. Children who are gifted and talented are not being supported
- School needs to focus on the children who are already there. They have had 2 years of disruption due to COVID and need extra support in their education

The consultation report 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: 17/10/2022

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

A non-statutory informal consultation has been carried out the results of which are set out in appendix 2. The decision maker should pay careful regard to the responses received before making a determination.

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.

### FINANCIAL IMPLICATIONS AND RISKS

The financial implications of undertaking the statutory process are minimal and costs can be contained within existing budgets of the Education Service. However, there is a significant financial implication of implementing the proposal and this is detailed below.

#### Capital Implications

The estimated costs for delivering a SEND Unit at Suttons Primary School is as follows:

School	Designated SEND unit	Cost
Suttons Primary School	New designated SEND unit for SEMH needs – LA to deliver building works	£ 1,600,000

It is envisaged that this scheme will be funded from the SEND Capital Allocation. The financial implicated will be reassessed should be decision be made to proceed with the proposals following the publication of the statutory notice. They will also be reassessed prior to the award of any contract.

#### Revenue Implications for schools



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SEND units in Havering will be normally funded in accordance with a Place Led Funding approach that complies with the Government's SEND Funding Reforms which came into effect in April 2018.

For each place in the SEND unit, Suttons Primary School will receive £20,726. This is made up of £10,000 'place funding' and £10,726 (2022/23 rate) 'top-up funding'

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

The proposed designated SEND unit will require additional teaching and support staff to be recruited. This will be managed by the school itself, supported as and when required by HES HR. The recruitment and selection process will be carried out in accordance with the appropriate policies and procedures.

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

In Havering we are committed to developing the most inclusive communities which are welcoming and supportive of all. 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 provisions will ensure that all children can have their needs met in a school as close to home possible. This is to 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.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

New builds are encouraged to adopt reduced carbon-centric approaches to development, and this is advanced through the tendering and procurement processes expected in all LBH engagement with external service providers as part of the pursuit of best value.

In relation to the new Suttons SEND Unit, the designs have incorporated a number of sustainability, climate change and decarbonisation items as listed below.

#### *In general*

The project subject of this relates to improving building efficiency within the educational asset portfolio and delivers a modern and efficient facility which is substantially more efficient and more environmental than the rest of the educational portfolio.

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The following sections outline the environmental and climate change considerations that have been addressed as part of the building design and procurement of the construction contract which is subject to the present report. This has been divided into design considerations and contractor selection considerations.

### *Design element*

The design was carried out by professional architects, who recognise, as the Royal Institute of British Architects has declared, that the climate emergency is the most pressing professional challenge of this generation, and that it should receive proportionate attention and care.

Designs have been carried out following the latest and most up to date tools and advices arising from the RIBA, the BRE, the Ministry of Housing, Communities and Local Government (now the Department for Levelling up) and other professional and advisory bodies.

The impact of carbon emissions has been considered as part of the design. Designers of this building are fully aware that the built environment is responsible for a large part of the carbon emissions in Great Britain. Current figures estimate that 47% of carbon emissions arise from the built portfolio. This includes space heating and electricity. The design proposed seeks to reduce space heating related carbon emissions by improving the fabric of the building; by reducing dissipation of heating, we minimise the need for fuel to heat spaces. Furthermore, this educational design has been carried out with particular attention to natural lighting and ventilation. This has the effect of minimising energy spent for artificial lighting and mechanical ventilation. Where artificial lighting is required, the design has privileged LED lighting which delivers an energy saving of around 75% and is designed to last up to 25 times longer than incandescent lighting. In light of the above, the targets of energy performance of the building fabric and of its services have been increased to 10% over the Building Regulations levels.

With a view to reduce the dependency of the building to fossil fuels and to reduce the ongoing costs of the service users, the designers have considered implementation of thermal and photovoltaic installations. The proposed scheme will include a photovoltaic roof installation combined with a ground source heat pump. The provision of ground source heat pumps combined with photovoltaic installation is introduced with the direct aim of decarbonisation and improvement of sustainability and resilience in the building system of the proposed educational facility. Additionally it will reduce the operational carbon footprint of the building and the running costs going forward.

In order to mitigate the adverse effects of climate change on the building that is being designed and on the business continuity of the service being delivered therein, designers have devoted time and attention to reducing direct summer sunshine into the building fabric, which would create a need for electrical/mechanical cooling.

Additionally, designers have noted that the risk of flash flooding has greatly increased, and is likely to increase further. Design have been carried out, that focus on minimising the risk, not only of flood pressure being displaced to neighbouring properties, but also of damage and disruption of service to the building. Where practicable, floor levels

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have been raised and other flood resilience measures have been implemented, often above and beyond the statutory requirements. Sustainable urban drainage designs and rainwater harvesting will be part of the proposed designs.

With a view to improve local, urban and sub-urban biodiversity, habitat for pollinators and water run-off slowing, the designers have supplemented, within the boundaries of the requirements of the service users, soft landscaping and planted areas adjacent hard landscaped areas, such as concrete or tarmacked areas.

### **BACKGROUND PAPERS**

### **APPENDICIES**

**Appendix 1 – Statutory Notice**  
**Appendix 2 - Consultation report**

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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*

**Details of decision maker**

Signed



Name: Trevor Cook, Assistant Director for Education

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 17.10.2022

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_