

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	7 <sup>th</sup> March 2024
<b>Subject:</b>	Determination of Proposal to Establish SEND Resource Provision at Waterloo Primary School		
<b>Report of:</b>	Executive Director for Children's Social Care and Education	<b>Wards Affected:</b>	All
<b>Cabinet Portfolio:</b>	Education		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

**Summary:**

The purpose of the report is to seek a determination on the proposal to establish SEND Resourced Provision.

**Recommendation(s):**

That:

- (1) The Cabinet is requested to approve the proposal as detailed in the statutory notice to establish a SEND Resourced Provision with effect from 1 September 2024.

**Reasons for the Recommendation(s):**

The local authority has the power to consider all options including expanding a school following the statutory process detailed in the report.

The proposal will build on the good standards for teaching and learning already in place at the schools. The development will provide places for children and young people with SEND within the Resourced Provision. Waterloo Primary School has been judged by Ofsted to be providing good quality education.

This development will not have any negative impact on other schools, academies, and educational institutions in the area.

The proposed resource base will not replace existing provision but will supplement and improve provision across the borough.

The addition of the Specialist Resource Base to the school will not have a direct impact on admissions or provision at other schools within the area.

Long-term value for money will be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This will free special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out of borough provision.

**Alternative Options Considered and Rejected:** (including any Risk Implications)

Failure to provide sufficient places for children with Special Education Needs and Disability (SEND) in the borough will result in additional costs for the Council through more expensive specialist placements.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

All annual running costs associated with the creation of additional resource unit places are highlighted within the report and will be funded from the High Needs Budget of the Dedicated Schools Grant.

**(B) Capital Costs**

Any associated capital costs associated with the creation of the SEN Resource provision identified within this report have been included and committed within the approved High Needs capital programme for 2023/24.

**Implications of the Proposals:**

**Resource Implications (Financial, IT, Staffing and Assets):**

This will be incorporated into the costings.

**Legal Implications:**

Section 14 of the Education Act 1996 places a general duty upon a local authority to secure sufficient schools to provide primary and secondary education in their area and they should have regard to securing special education provision.

This proposal has been subject to consultation in accordance with section 19(3) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Following the enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for children and young people with SEN or a disability.

The Local Authority is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, children, and providers.

This Act and its associated guidance are clear that, when considering any re-

organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability.

**Equality Implications:**

See body of report section 7

**Impact on Children and Young People: Yes**

The proposal will provide additional school places for children with special educational needs and disability (SEND) and ensure that pupils will not have to travel to other areas to attend school.

**Climate Emergency Implications:**

All areas of SEND Sufficiency, pupil place planning and educational placements have a direct environmental impact, consideration of this element is informed in provision development and provision enhancement in the Borough due to the direct impact this will have to limiting students travelling outside the Borough. This would support reduced emissions of CO2.

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

**Contribution to the Council's Core Purpose:**

**Protect the most vulnerable:**

The proposal will provide additional school places for children with special educational needs and disability (SEND) and ensure that pupils will not have to travel to other areas to attend school.

**Facilitate confident and resilient communities:**

**Commission, broker and provide core services:**

The proposal will provide additional places for children with special educational needs and disability (SEND) to access education in the local area in a mainstream school.

**Place – leadership and influencer:** N/A

**Drivers of change and reform:** N/A

**Facilitate sustainable economic prosperity:** N/A

**Greater income for social investment:** N/A

**Cleaner Greener:** N/A

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD.7547/24.) and the Chief Legal and Democratic Officer (LD.5647/24.) have been consulted and any comments have been incorporated into the report.

## **(B) External Consultations**

Consultation has been conducted with parents, governors, and staff at the schools. Consultation has been conducted with Headteachers parents, governors, and staff at the schools. As part of consulting with the wider school community the proposals were published on the school's website

Notices were published on Sefton Council website in accordance with current legislation, on 4 December 2023. and this was followed immediately by a four-week representation period which was due to end on 28 December 2023, however, due to the schools Christmas break the publication of the notice outlining the proposal was extended to 8 January 2024.

### **Implementation Date for the Decision**

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

<b>Contact Officer:</b>	Tracy McKeating/Heather Glennie
<b>Telephone Number:</b>	07837 863075/
<b>Email Address:</b>	<a href="mailto:Tracy.mckeating@sefton.gov.uk">Tracy.mckeating@sefton.gov.uk</a> <a href="mailto:heather.glennie@sefton.gov.uk">heather.glennie@sefton.gov.uk</a>

### **Appendices:**

The following appendix is attached to this report:

Appendix A - Public Notices and Proposal for the Establishing SEND Resource Bases.

### **Background Papers:**

There are no background papers available for inspection.

### **1. Introduction/Background**

- 1.1 The Children and Families Act 2014 sets out a statutory duty for local authorities to keep provision for children and young people with special educational needs and disabilities (SEND) under review, in order to ensure that the provision reflects and addresses local needs.
- 1.2 The number of children and young people with an EHCP in Sefton has increased significantly. The most common category of need within this group of pupils are those with social communication and interaction difficulties including Autism, as well as cognition and learning/social emotional and mental health.
- 1.3 The Council has thus embarked on a programme of SEND transformation, one of the key objectives is to reduce the number of out of borough placements by expanding in borough specialist provision, targeted at the right areas of need.
- 1.4 Approval was given by Cabinet Member for Education on 4 December 2023 to the

publication of a statutory public notice to establish SEND Resource Provision at Waterloo Primary School.

- 1.5 The Resourced Provision will offer the increasing number of pupils displaying cognition and learning difficulties the benefit from attending a mainstream school, whilst also receiving specialist input relevant to the child's special educational needs and disabilities (SEND)
- 1.6 The Resourced Provision will be part of the school, operationally led and managed by the school.
- 1.7 All pupils accessing a Resourced Provision place will be on roll of the school and have access to both mainstream provision and the resourced Provision, dependent on their individual needs.
- 1.8 The Published Admission Number (PAN) of the school will not increase. The admission of children to the mainstream school will continue be managed by the local authority's Admissions Team. There are no changes to the admission arrangements as part of this proposal.
- 1.9 The places available in the Resourced Provision will be in addition to the schools Published Admission Number and will be placed in the RP by virtue of being named in the child's education, health, and care plan.
- 1.10 The Resourced Provision will offer an inclusive provision for pupils who require arrangements over and above that which a mainstream school can provide through an EHCP.
- 1.11 The decision to place a pupil or young person at the Provision shall be made by the Local Authority's SEN and Inclusion Service All admissions will be determined by the Local Authority in accordance with the SEN and Disability Code of Practice.
- 1.12 The Local Authority will remain responsible for holding an overview of pupils placed at the Resourced Provision.

## **2. PROPOSAL**

The proposed significant change at Waterloo Primary School will be the establishment of a SEN unit for children with an Education, Health, and Care Plan (EHCP) or under assessment and likely to receive an EHCP with a primary SEN need of cognition and learning with 1 class of 8 places across Key stage 2 (years 3, 4, 5 and 6).

## **3. FINANCIAL IMPLICATIONS**

- 3.1 The table below provides a comparison of the average costs associated with the placement of children in Resource Units / In-house Special Schools and

## Independent Schools.

		Resource Unit	Maintained Special Sch	Ind Non-maintained Sch
School	Places	Avg £ per place	Avg £ per place	Avg £ per place
Waterloo Primary School	8	£12,600	£21,400	£47,900
Annual cost of new places		£100,800	£171,200	£383,200

- 3.2 The cost mitigation saving to the High Needs Budget through the creation of 8 additional Resource Unit places is at least £70,400 compared to placing children in Maintained Special schools and potentially £282,400 if there was no additional in-house provision and children were placed in independent schools.
- 3.3 The creation of additional SEN Resource Unit places within the Borough will also help to reduce transport times and associated costs for SEN children travelling to and from school.

## 4. STATUTORY PROCESS TO EXPAND THE SCHOOL

- 4.1. The Council is also required to follow a statutory process including publication of a statutory notice and formal consultation period to enlarge the premises of a school as set out in the Department of Education guidance as this is classed as a 'prescribed alteration' to the school. Cabinet is the decision maker for such proposals. The decision on whether to proceed must be made within two months of the end of the formal consultation period. The guidance also states that a proposal cannot be approved conditionally upon funding being made available so the funding would need to be in place prior to the decision being made.

The statutory process is shown in the table below:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		Must be published and on the Sefton website
Stage 2	Representation (formal consultation)	Must be 4 weeks from date of publication	As set out in 'Prescribed Alterations' regulations
Stage 3	Decision (by Cabinet)	LA should decide proposal within two months otherwise it will	Any appeal to the adjudicator must be made within 4 weeks of the

		fall to the Schools Adjudicator	decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

4.2. Upon publication of a statutory notice setting out the proposal, representations can be made to the LA by any person within a four-week period.

4.3. The statutory guidance states that the LA as decision-maker will need to be satisfied that the appropriate, fair and open consultation has been carried out, and that the proposer has given full consideration to all the responses received.

4.4. The decision-maker must consider the views of those affected by a proposal or who have an interest in it and should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal especially parents of children at the affected school.

## 5. Response to the proposal

5.1 Sefton Council did not receive any responses to their published consultation.

## 6. The Decision-Making Process

6.1 Cabinet is the Decision Maker for the proposal which must be determined by the Local Authority. The Decision Maker must consider the four key issues below before judging the respective factors and merits of the proposal.

- **Is any information missing?** All necessary information is included in this report and the statutory process in making prescribed alterations has been followed.
- **Does the published notice comply with statutory requirements?** The published notices have been compiled in accordance with the statutory guidelines and advice from the DfE on the wording to be used. Annex A.
- **Has the consultation been carried out prior to the publication of the notice?** The consultation process was reported to the Cabinet Member for Education on 4<sup>th</sup> December 2023
- **Are the proposals “related” to other published proposals?** The proposals are

not related to any other published proposals.

## **7. Equality Implications**

7.1 The Equality Act 2010 says public authorities must comply with the public sector equality duty. In carrying out their functions, they need to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

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

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

7.2 In Sefton, a motion was approved by Council, at its meeting on 19<sup>th</sup> January 2023 to include Care Experience, as a protected characteristic. This decision is recognised in the Equality, Diversity and Inclusion Strategy.

7.3 Young people are a protected characteristic by age, but they may also have other protected characteristics too, for example they may also have a disability or are care experienced.

7.4 According to the Census 2021 there are 71, 404 children and young people aged 0 – 24. In Sefton there are also currently over 600 cared for children and over 2500 children and young people who have an Education, Health, and Care plan.

7.5 This proposal seeks to establish SEN provision in a mainstream school to ensure that it best delivers for the current cohort of children within the borough, and therefore ensures that we are taking due regard for their needs.

7.6 Wherever possible the needs of a young person should be addressed within their local community at a local mainstream setting. Children experiencing additional (special educational) needs benefit from opportunities to be educated alongside their peers, fostering peer acceptance and positive self-image and enabling them to develop local friendships.





## **Appendix A**

### **Statutory Proposal for Prescribed Alterations to Provide Special Educational Needs Provision in a Mainstream School**

#### **1. Proposal relating to:**

Waterloo Primary School, Crosby Road North, Waterloo, Merseyside, L22 0LD  
Proposer: Sefton Metropolitan Borough Council, Magdalen House, 30 Trinity Road, Bootle, Liverpool, L20 3NJ

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110 that Sefton Council intend to make a prescribed alteration to Waterloo Primary School from 1<sup>st</sup> September 2024.

#### **2. Description of Proposed Significant Change**

The proposed significant change at Waterloo Primary School will be the establishment of a SEN unit for children with an Education, Health and Care Plan (EHCP) or under assessment and likely to receive an EHCP with a primary SEN need of cognition and learning with 1 class of 8 places across Key stage 2 (years 3, 4, 5 and 6).

#### **3. Evidence of Demand for Places**

The number of children and young people with an EHCP in Sefton has increased significantly. The most common category of need within this group of pupils are those with social communication and interaction difficulties including Autism, as well as cognition and learning/social emotional and mental health.

The SEN Unit will offer the increasing number of pupils displaying cognition and learning difficulties the benefit from attending a mainstream school, whilst also receiving specialist input for cognition and learning difficulties relevant to the child's SEN needs.

#### **4. Objectives of the Proposal and Educational Standards, and Impact on Parental Choice**

The additional places will be in addition to and not part of the schools existing Pupil Admission Numbers (PAN).

Admission to the SEN Unit will be made via Sefton Councils SEN and Inclusion Service.

The proposed provision will be appropriately resourced to ensure that the children placed will be supported in achieving their educational outcomes.

The proposed SEN Unit will allow the Council and parents/carers the option to place children within local provision, rather than in independent provision.

#### **5. Effect on other Education Establishments in the Area**

There will not be any effect on other educational establishments in the area.

**6. Project Costs** If the proposal for this provision is agreed, funding for the additional accommodation will be provided directly through Department for Education High Needs

Provision Capital Allocation.

### **7. Implementation and any proposed stages for implementation**

It is intended that any new provision will be implemented during the 2023/24 Academic Year.

### **8. Procedure for Responding to this Proposal**

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: [School.Organisation@sefton.gov.uk](mailto:School.Organisation@sefton.gov.uk)

Any person wishing to raise objections, or make comments on the proposal should do so by emailing School Organisation at: [School.Organisation@sefton.gov.uk](mailto:School.Organisation@sefton.gov.uk) within four weeks from the date of publication, i.e. no later than 4pm on 28<sup>th</sup> December 2023

Applicable legislation:

[Making significant changes \('prescribed alterations'\) to maintained school \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118422/making-significant-changes-to-maintained-schools.pdf)

Signed: Tricia Davies, Assistant Director Education

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