

# STATUTORY PROPOSALS TO REMOVE SPECIAL RESOURCE PROVISION AT GRANGE PARK INFANT & NURSERY SCHOOL

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<b>Cabinet Portfolio</b>	Education & Children's Services
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<b>Papers with report</b>	Copy of statutory notice (Appendix 1), Complete Proposals (Appendix 2), consultation responses (Appendix 3) & extract from statutory guidance (Appendix 4)

## 1. HEADLINE INFORMATION

<b>Summary</b>	The purpose of this report is to seek Cabinet approval of statutory proposals to remove the Special Resource Provision at Grange Park Infant and Nursery School
<b>Contribution to our plans and strategies</b>	Develop & improve education in our schools
<b>Financial Cost</b>	<p>The financial impact of the closure of this local Special Resource Provision (SRP) could be quite significant dependent on the alternative places that are found for the eight pupils. On average the cost of provision within a SRP is £16,000, whereas the cost of a placement in the Independent school sector is on average £44,000.</p> <p>In Hillingdon, all of the special schools are full, it is therefore likely that all of the eight pupils will need to be found a place in an Independent School. This will result in a potential increased cost of £224,000 in a full year, which will be met from the Dedicated Schools Grant.</p>
<b>Relevant Policy Overview Committee</b>	Education & Children's Services
<b>Ward(s) affected</b>	Potentially all, as this is a borough provision

## **2. RECOMMENDATION**

**That the Cabinet:**

**1) Acknowledges the outcome of the representation period, following publication of statutory notice.**

**2) Approves the statutory proposals to remove special resource provision (the “SRP Unit”) at Grange Park Infant School, subject to the modification that implementation would be on 1<sup>st</sup> September 2012.**

### **Reasons for recommendation**

This provision no longer meets the changing needs of pupils requiring specialist provision. The modification to the implementation date is recommended as there is a 4 week appeal period following determination.

### **Alternative options considered / risk management**

There are four types of decision open to the Decision Maker. These are:

- To reject the proposals
- To approve the proposals
- To approve the proposals with a modification (e.g. the implementation date)
- To approve the proposals subject to them meeting a specific condition

If the local authority fails to decide proposals within two months of the end of the representation period, they must be referred to schools adjudicator for decision.

### **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

#### **3.1 Legal Background**

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, statutory proposals are required where it is proposed to remove provision that is recognised by the local authority as reserved for pupils with special educational needs. In the case of a Foundation school (which Grange Park Infant is), either the local authority or the Governing Body of a Foundation School can publish proposals. In this case, the Governing Body is the proposer and is therefore responsible for undertaking statutory consultation, deciding whether to proceed to publish statutory notices, and the publication of the statutory proposals. However, it is the responsibility of the LA to decide the proposals.

Under the Council's Constitution, where objections have been received, Cabinet will determine the proposals.

Before judging the relative merits of the proposals, the LA, as Decision Maker, should consider whether:

- Any information is missing
- Whether the published notice complies with statutory requirements
- Whether consultation was carried out prior to publication
- Whether the proposals are “related” to other published proposals

If the above is in order, the Decision Maker will consider the merits of the proposals, having regard to guidance issued by the Secretary of State. The guidance sets out the following list of factors (not intended to be exhaustive) that should be considered, which include:

- Consistency of proposals with LA duties to increase parental choice and secure diversity of provision
- That proposals will contribute to raising local standards
- That when proposals lead to children attending reserved SEN provision being displaced, that any alternative provision will meet the statutory SEN improvement test (see below). However, it is accepted that the importance of each factor will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.
- Any equal opportunity issues
- Impact upon travel

### **3.2 The Special Resource Provision**

Grange Park Infant and Nursery School has a Special Resource Provision (SRP) for eight children with complex learning difficulties.

Pupils considered for the SRP must:

- Be the subject of an Educational Psychologist’s written Action Plus advice.
- Be undergoing a statutory assessment
- Have a statement of special educational need naming the Special Opportunities Class as placement. Admission to the SRP based on School Action Plus would normally be full time for a minimum of one term and a maximum of three terms.
- Have complex difficulties in learning or development, which may include Autistic Spectrum Disorder, and which require a high degree of adult support.

### **3.3 Reasons for the Governing Body’s Proposals**

The reasons for the closure of the provision are set out in detail in the “Complete Proposals”, which are appended to this report (Appendix 2). These can be summarised as:

- The provision has evolved over a long period and over time the needs of the children have become more complex and the available accommodation and other facilities are no longer appropriate to their needs.
- The primary purpose of the SRP was to enable children with complex learning difficulties to have a period of assessment and experience integration with mainstream children; this is to aid their communication, interaction and academic achievement. It was intended to be a short-term placement (i.e. maximum of three terms) but in practice pupils stay much longer.
- When children leave, virtually all enter special schools, in which they could have been placed at the outset.

### **3.4 Further Supporting Information Regarding the Proposal Provided by the Governing Body**

The Governing Body has provided the following information about the statutory process followed, responses to the consultation, its response to concerns raised, and the case for closure.

*The Governing Body decided to undertake the statutory process at a meeting on 6 March 2012. The consultation document was published on 18 April and the consultation period ran until 5pm on 17 May.*

*As a result of the consultation two responses were received. Responses were issued and the concerns expressed were addressed in the Statutory Proposal. For clarity, the concerns and the schools response in the proposal document are reiterated here.*

*One concern was that the difficulties for the SRP could not have been overwhelming because it has been very successful for the many years it has been open. Since 2001 it has been judged to be 'Good' to 'Outstanding' by successive OfSTED Inspections. However, as the school responded, the school has adapted to the changing needs of the children over the years and has been largely dependent on the expertise of the lead professional in the classroom. It now requires a very large capital investment and relocation to enable the school to fully meet the needs of the children. The school is aware of the difficulties with budgets for all local authorities and are therefore also giving a practical solution to the current situation.*

*The school feels that if children continue to be allocated places into the SRP based on the trend that has been developing over recent years then the children's educational opportunities will be limited given that the children have not been able to achieve any integration into the mainstream setting.*

*A further concern expressed following the consultation was that part of the reason for the proposed closure was the school's expansion program. The difficulties associated with the expansion have added to the difficulties with the SRP. The consultation started by setting out the expansion because the school is aware that not all those reading the consultation would know that the school is expanding. Additionally, the need to demolish some accommodation within the unit during the expansion has further exacerbated the problems within the SRP.*

*Eight children in the SRP are on the autistic spectrum. The school is very conscious that any unusual noise or disruption to the children's routine is particularly difficult for those children to manage.*

*The Governing Body decided at its meeting on 15th May (provided no further consultation responses were received before 5pm on 17<sup>th</sup> May) to proceed to the Statutory Notice and Proposal Stage with the statutory representation period finishing on 11<sup>th</sup> July 2012. No representations were received during the statutory representation period.*

### **3.5 Consideration of the Proposals with regard to Statutory Guidance**

The Governing Body engaged solicitors to advise on and manage the statutory process. The documentation provided (Appendices 1 & 2) appears to include that prescribed by DfE guidance. The consultation period (Stage 1) was 4 weeks (rather than the 6 weeks recommended). However, the length is not prescribed in law.

In relation to the merits of the proposals, the key area for consideration is whether the proposals meet the Special Needs Improvement Test. Proposers need to demonstrate that alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. In particular, this means the identification of the details of the specific educational benefits that will flow from the proposals (including improved access to education and associated services and improved supply of suitable places). An extract from the full guidance is appended to this report.

Both responses received to the consultation (from Breakspear Schools' Federation and the joint response from the Governor Representatives on Schools Forum & Hillingdon Governors Executive Committee expressed concerns about the proposals. Whilst acknowledging the difficulties with the existing provision, the main concern expressed was that about the capacity of special schools to absorb the additional demand resulting from the loss of these places and the possibility of increased costs if more children had, as a result, to be educated in the independent special school sector. Whilst the consultation document set out how children currently in the SRP will be educated, the main argument in relation to the special needs improvement test appears to be that, in future, pupils who might have been admitted to the SRP will be found places in special schools where the quality of the provision will be better.

However, as Hillingdon is experiencing rising rolls in primary schools, the number of pupils needing access to special school or other specialist provision will also increase and more places will be needed. The sufficiency of provision and the suitability of existing provision is being considered within the borough's overall school place planning strategy. New providers have already expressed interest in establishing additional special school provision within the borough and it is anticipated that this will form part of the strategy for ensuring sufficient provision.

The Governing Body response also makes reference to the impact of the expansion and, in particular, that of the building works. The possible closure of the SRP was not raised when the expansion proposals were being discussed with the school and did not form part of the statutory proposals published at that time.

## **Financial Implications**

The financial impact of the closure of this local Special Resource Provision (SRP) could be quite significant dependent on the alternative places that are found for the eight pupils. On average the cost of provision within a SRP is £16,000, whereas the cost of a placement in the Independent school sector is on average £44,000. In Hillingdon, all of the special schools are full, it is therefore likely that all of the eight pupils will need to be found a place in an Independent School. This will result in a potential increased cost of £224,000 in a full year, which will be met from the Dedicated Schools Grant.

This has been a significant issue for schools, where they have seen a marked increase in the cost of Special Educational Needs placements over the last few years, as the resources required to fund the increased cost have to be top-sliced from the Primary and Secondary Schools budget. The main strategy that has been agreed is to review and where possible look to increase local provision, by expanding special schools and creating more SRP's. The proposed closure of this SRP will reduce the number of places available within Hillingdon.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

Although there is a loss of provision, there will be no effect on the children currently attending the SRP because all of the children currently in the SRP are due to go to special schools from September 2012. No children were due to start in the SRP in September 2012.

### **Consultation Carried Out or Required**

Details of the consultation and responses to it are set out in the Appendices 1, 2 and 3 and in the main body of this report.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above. Closure of the Grange Park Infant SRP will reduce capacity within the Borough potentially requiring additional places to be identified in Independent Special schools, as noted above this would result in significant additional costs for the DSG-funded schools budget.

### **Legal**

The School Organisation (Prescribed Alterations to Maintained Schools)( England) Regulations 2007 apply to these proposals from the Governors of Grange Park Infant & Nursery School. Regulation 8 requires both the Governing Body and Cabinet to have regard to the statutory guidance issued by the Secretary of State. Relevant extracts from this Guidance are appended to this report.

With regard to the two objections received, the report shows that the existing pupils at the School are to be educated at different schools from September 2012 and that no children were allocated places at Grange Park School for the Academic Year 2012/13.

### **Corporate Property and Construction**

Officers in the above have been consulted during the preparation of this report.

### **Relevant Service Groups**

No other service areas should be affected by these recommendations.

## **6. BACKGROUND PAPERS**

The Statutory Notice, complete proposals, and consultation responses (as attached).  
DfE guidance "Making Changes to a Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals".