

CABINET

16 November 2021

Title: Provision of New SEND School Places	
Joint Report of the Cabinet Member for Educational Attainment and School Improvement and the Cabinet Member and Champion for Disabilities	
Open Report	For Decision
Wards Affected: All Wards	Key Decision: Yes
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Accountable Director: Jane Hargreaves, Commissioning Director for Education	
Accountable Strategic Leadership Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary	
<p>The Council has a statutory obligation to provide a school place for every child or young person who wants one in the borough.</p> <p>The demand for places from pupils who have Special Education Needs and Disabilities is steadily increasing and, in response, the Council plans to create some additional capacity.</p> <p>This report seeks approval for the permanent establishment of seven new Additional Resource Provisions (ARPs) which would specialise in either autism or complex and moderate learning difficulties as detailed below, at the following schools, effective from the Spring Term 2022:</p>	
Autism	
<ul style="list-style-type: none">• Ripple Primary School• Rose Lane Primary School• Eastbrook Primary School• Becontree Primary School	
Complex and Moderate Learning Difficulties	
<ul style="list-style-type: none">• Ripple Primary School• Barking Abbey Secondary School (Longbridge Road)• Dorothy Barley Infants School	
<p>In addition, the following ARPs are proposed for expansion:</p>	
<ul style="list-style-type: none">• Barking Abbey Secondary School (Sandringham Road) – 18 additional places for Autism• Eastbury Primary School – 2 additional places for Hearing Impairment	

- Dagenham Park Secondary School – 10 additional places for Complex and Moderate Learning Difficulties

Further, the report also seeks approval for the closure of the ARP at Eastbrook Secondary School. Along with the new provision at Eastbrook Primary School, a new Special School called Pathways was opened in September 2019 on a temporary site for pupils with social, emotional and mental health needs aged from 6 to 19 years of age and has capacity for 60 pupils. Once the School has moved to its permanent site, the provision will be for 90 pupils.

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree the permanent establishment of seven new Additionally Resourced Provisions (ARPs) at the following schools:

Name of School	Total number of places	Type of need
Ripple Primary School Suffolk Road Site	12	Complex and Moderate Learning Difficulties
Ripple Primary School Westbury Road	12	Autistic Spectrum Condition
Rose Lane Primary School	12	Autistic Spectrum Condition
Barking Abbey Longbridge Road	15	Complex and Moderate Learning Difficulties
Eastbrook Primary School	24	Autistic Spectrum Condition
Becontree Primary School	12	Autistic Spectrum Condition
Dorothy Barley Infant School	8	Complex and Moderate Learning Difficulties

- (ii) Agree the expansion of the following three ARPs as detailed below:

Name of School	Total number of additional places	Type of need
Barking Abbey School Sandringham Road	18 places	Autistic Spectrum Condition
Eastbury Primary School	2 places	Hearing Impairment
Dagenham Park School	10 places	Complex and Moderate Learning Difficulties

- (iii) Agree the closure of the ARP at Eastbrook Secondary School for pupils with social, emotional and mental health disorders in light of the new provision at Eastbrook Primary School and future additional provision at Pathways Special School.

Reason(s)

Under statute, the Council is required to make provision for pupils or young people with special educational needs and disabilities. The council needs to create some additional capacity to meet the increase demand for pupil places who have SEND.

These proposals will assist the council in providing further specialist provision to pupils of primary and secondary school age who have complex needs related to Autism and Complex and Severe Learning Difficulties and pupils of primary age with Hearing Difficulties.

The proposal would reduce a future reliance on expensive out of borough placements and by providing new facilities at local schools will reduce travel times for some pupils.

1. Introduction and Background

- 1.1 Local authorities have a statutory duty under the 1996 Education Act to provide sufficient school places and to have “particular regard for the need to secure special educational needs provision for pupils with special educational needs.” Further, the Children and Families Act 2014 introduced significant reforms to the special educational needs system which effectively increased the number of children and young people for whom a Local Authority must ensure suitable provision is available.
- 1.2 The Council’s Cabinet of 13 July 2021 received a report, minute 24 (Review of School Places and Capital Investment), which provided the background as to why the demand for places for pupils with Special Educational Needs and Disabilities is increasing and the £2.1m made available by the DfE to support the provision of capital grant for SEND places.
- 1.3 The DfE have reported in their latest SEND publication (2020/21) that nationally, the proportion of pupils with an Educational Healthcare Plan has gone up from 3.3 per cent to 3.7 per cent in the last year and the proportion of pupils receiving SEN support has also gone up from 12.1 to 12.2 per cent in the last year. Barking & Dagenham are also following this trend with increased numbers of pupils with either an EHCP or needing SEN support.
- 1.4 The most common type of need for those with an EHC plan is Autistic Spectrum Disorders and for those with SEN support, Speech, Language and Communication needs.
- 1.5 Graph 1 below shows the rise in the proportion of pupils with an EHCP, and Table 1 shows the make-up of SEND from 2015/16 to 2019/20 and also the level of SEND need.

Graph 1- Proportion of pupils with at EHCP

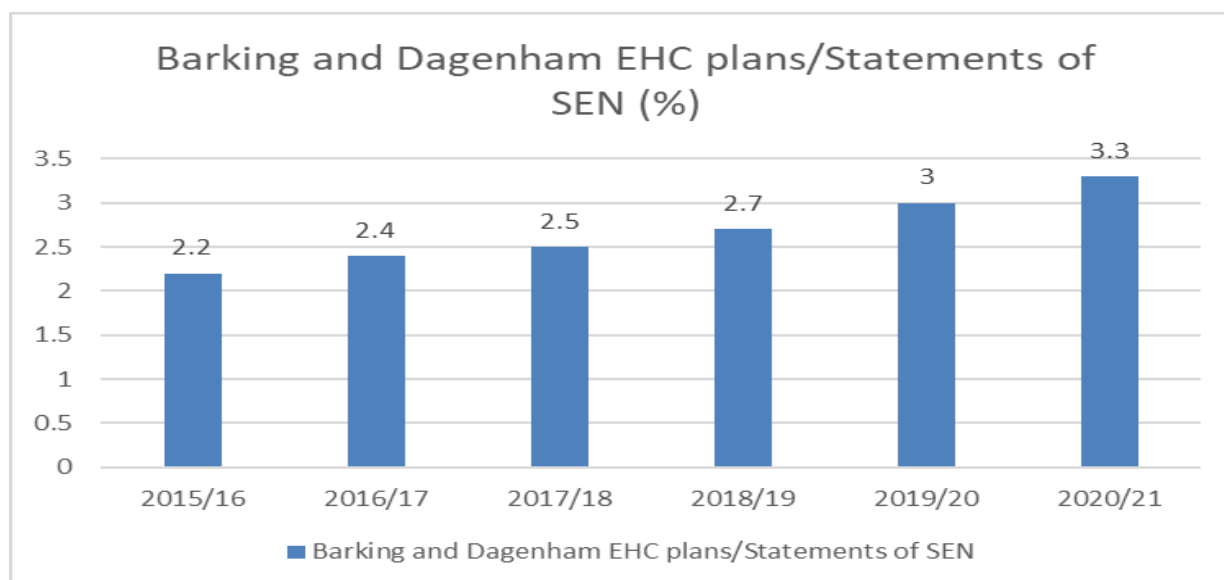


Table 1 – Pupils with an EHCP by Type of Need

Primary SEN need in Barking and Dagenham	Statement or EHC plan (percentage)				
	2015/16	2016/17	2017/18	2018/19	2019/20
Autistic Spectrum Disorder	22.0	25.3	30.2	30.9	31.2
Hearing Impairment	5.6	4.6	3.9	3.8	3.3
Moderate Learning Difficulty	10.3	10.7	9.0	7.7	6.9
Multi- Sensory Impairment	n/a	n/a	0.1	0.1	0.1
Other Difficulty/Disability	1.1	1.1	1.0	0.6	0.5
Physical Disability	3.0	2.3	2.6	1.8	2.3
Profound & Multiple Learning Difficulty	4.8	4.5	5.0	5.3	5.6
SEN support but no specialist assessment of type of need	0.1	0.2	n/a	n/a	n/a
Severe Learning Difficulty	29.2	28.3	26.2	23.6	20.0
Social, Emotional and Mental Health	6.9	6.4	5.3	5.3	7.6
Specific Learning Difficulty	1.8	1.7	2.9	4.0	3.3
Speech, Language and Communications needs	14.4	14.1	13.2	16.7	19.0
Visual Impairment	0.9	0.8	0.8	0.4	0.3

- 1.6 The provision for pupils with Special Educational Needs and Disabilities is currently provided through 3 special schools, Trinity School, Riverside Bridge and Pathways for those who require a specialist placement and through Additionally Resourced Provisions (ARPs) which are attached to mainstream schools.
- 1.7 Here in developing the strategy for SEND places, the Council strives to provide a continuum of provision that strikes a balance between the need for inclusion in

mainstream schools whilst access to high-quality specialist provision for those children and young people who need it.

2. Additional Resource Provisions (ARPs)

2.1 Additional Resource Provisions (ARPs) are those educational provisions set up within a mainstream schools which are designed to provide vital specialist and targeted support for pupils with long term special educational needs or disabilities (SEND). These ARPs are very popular with parents and carers as they cater for pupils and young people in a local context. With this targeted help, many pupils or young people with additional learning needs can make better, more sustained progress when they attend mainstream schools.

2.2 ARP's are additionally funded which means that that they are able to offer:

- Teaching staff and support staff with knowledge, skills, expertise and allocated time in a particular area of SEND;
- Specialist environments which support the learning, behaviour and social and emotional needs of each pupil;
- Systems to identify, plan for and track small-step progress to inform next steps;
- Education in a mainstream school but with additional specialist resources and teaching;
- Additional Educational Psychologist and specialist health input as necessary;

2.3 Each ARP specialises in a particular area of special educational needs and places are allocated according to the specific needs of the child or young person. Each ARP is an integral part of the school.

2.4 Going forward and following agreement with the above schools concerned it is proposed that these new ARPs will be permanently established by statutory means. This will provide valuable long-term capacity to meet the demand for SEND places. The capacity of these permanently established ARPs will total 95 places. However, they will start with smaller numbers initially and will grow each year as the demand for places comes through.

2.5 In addition to the new ARP's, three of the local authority's current ARP's will be expanding with effect from the Spring Term as detailed in Table 2 below.

Table 2 – ARPs to increase in capacity

Name of School	Additional places to be created	Type of need
Barking Abbey School Sandringham Road	18 additional places	Autistic Spectrum Condition
Eastbury Primary School	2 additional places	Hearing Impairment
Dagenham Park School	10 additional places	Complex and Moderate Learning Difficulties

2.6 The most recent Ofsted judgement for these schools is good. Eastbrook School has a new Head Teacher who is focused on the key priorities for improvement. The willingness of the Head Teachers for these Schools to have these provisions, together with their localities, further justifies these schools having an ARP.

2.7 As part of the overall assessment of SEND provision, the ARP at Eastbrook Secondary School that has provision for up to 6 pupils with Social, Emotional and Mental Health Needs (SEMH), will be formally closing in the Spring Term of 2022. Where it has been assessed as appropriate, pupils have moved into mainstream provision, and in some cases, additional resources have been put in place. The Governing Body of the school has agreed in principle for the closure on the basis the pupils that were using the ARP would be placed in suitable alternative provision. This provision is going to be met through Pathways Special School that opened in September 2019 for pupils with SEMH, speech, language and communication needs and moderate learning difficulties.

3. Consultation

3.1 As the Council is proposing to create new ARP provision consultation has taken place with the Governing Body of each of the schools. Further, letters were sent to parents, carers, guardians, and pupils for each of the schools on 18th June 2021 and further information was provided on the LBBB website.

3.2 To date, five responses have been received, there is general support in favour of the proposals. One parent was particularly supportive of the work which had been done to support her son at Eastbrook.

3.3 Statutory Notices were published in The Barking & Dagenham Post on 6th October 2021 and placed on the Council website regarding the proposed new provisions and expansions. The notice period ended after four weeks from the date of publication on 2nd November 2021. The notices have been on display at both the main public libraries in Barking and in Dagenham and on each of the school's noticeboards.

4. Financial Implications

Implications completed by: Alison Gebbett, Capital Accountant

4.1 This report sets out details of seven new proposed Additional Resource Provisions (ARPs) and the expansion of three existing ARPs.

4.2 All schemes will be contained within the current capital programme which is fully funded from Department for Education (DfE) grants already awarded as set out to Cabinet on 22 June 2021. There is sufficient budget available to cover the cost of the proposed works from the following project codes as detailed below, with the total for the proposed ARP schemes being £1.369m.

Type	Area	School	Amount required for ARP (£'000)	Project code	Project code description
New ARP	Autism	Ripple Primary	64	FC04053	School Conditions Allocation 2018-20
New ARP	Autism	Rose Lane Primary	324	FC04052	SEND 2018-21

New ARP	Autism	Eastbrook Primary	82	FC05069	SCA 20-21
New ARP	Autism	Becontree Primary	205	FC05099/5069	SEND 21/SCA 20-21
New ARP	Complex and Moderate Learning Difficulties	Ripple Primary	300	FC05099	SEND 21
New ARP	Complex and Moderate Learning Difficulties	Barking Abbey (Longbridge)	0	n/a	Zero cost, existing facilities
New ARP	Complex and Moderate Learning Difficulties	Dorothy Barley Infants	200	FC04052/5033	SEND 2018-21/SCA Priority Works 20-22
NEW ARP TOTAL			1175		
ARP Expansion	Autism	Barking Abbey (Sandringham)	150	FC05099	SEND 21
ARP Expansion	Hearing Impairment	Eastbury Primary	44	FC04052	SEND 2018-21
ARP Expansion	Complex and Moderate Learning Difficulties	Dagenham Park School	0	n/a	Minimal cost, existing facilities
ARP EXPANSION TOTAL			194		
GRAND TOTAL OF PROPOSED NEW SCHEMES			1369		

4.3 Any major risks/ financial impact will need to be closely monitored and reported to Cabinet through the capital monitoring process

5. Legal Implications

Implications completed by: Paul Feild Senior Governance Solicitor and Lindsey Marks, Deputy Head of Law

- 5.1 The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN (sections 13 and 14, Education Act 1996). This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.
- 5.2 An ARP is a specialist provision within a mainstream school. It is not a special school. Different provisions apply to proposed alterations to special schools.
- 5.3 Proposals to establish, remove or alter SEN provision at a community maintained school requires that the Local Authority making the proposal follows a statutory process, as set out in the Department of Education statutory guidance, "Making significant changes ('prescribed alterations') to maintained schools" ("the Guidance") October 2018. The proposed changes are firstly to the permanent

establishment of seven new Additionally Resourced Provisions (ARPs) and three new temporary ARP's.

- 5.4 The Guidance describes the statutory process that must be followed in the case of prescribed alterations. This is summarised as Stage 1, publication of statutory proposal/notice, Stage 2 representation (formal consultation) for at least 4 weeks and as set out in regulations, Stage 3 decision by the Local Authority within 2 months (or it falls to the Schools Adjudicator), with any appeal to the Schools Adjudicator to be made within 4 weeks of the decision and Stage 4 implementation, with no prescribed timescale, as specified in the published statutory notice, subject to any modifications agreed by the decision-maker.

6. Other Implications

- 6.1 **Risk Management** - We need to make provision as a statutory obligation for additional pupil places in the borough and these proposals mitigate the risk of failing to provide suitable numbers of places for pupils' learning. The number of children with severe Autism, SEMH and moderate learning difficulties has increased, partly owing to the growing pupil population; hence the need for additional special needs places. The consequences of not providing more places in-borough is the increased cost of sending growing numbers of SEN children to other placements outside of the borough and this leads to less overall control over their education and reduced control of the associated financial costs.
- 6.2 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.
- 6.3 **Corporate Policy and Equality Impact** - The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Council's Vision and Priorities, including encouraging civic pride, enabling social responsibility, and growing the Borough. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.
- 6.3.1 The short-term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion. The longer-term outlook is unlikely to be positive on the proposed funding levels as it will be difficult to address need on current budget levels.
- 6.4 **Safeguarding Adults and Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an integrated manner, having regard to guidance issued under the Childcare Act 2006 in relation to the provision of services to children, parents, prospective parents, and young people.
- 6.5 **Health Issues** - The health and wellbeing board and JSNA highlight the importance of investing in early intervention and education to support children's and young people's long-term wellbeing. The evidence and analysis set out in Fair Society, Healthy Lives (Marmot Review) has been developed and strengthened by the report of the Independent Review on Poverty and Life Chances. The reports draw

attention to the impact of family background, parental education, good parenting and school-based education, as what matters most in preventing poor children becoming poor adults. The relationship between health and educational attainment is an integral part of our Health and Wellbeing Strategy. At this point there is no need to change the focus of the Health and Wellbeing Strategy as a result of this report.

- 6.6 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices: None