

Subject:	SEND Review – Phase 2 / Special School and Pupil Referral Unit Re-organisation		
Date of Meeting:	3 October 2016		
Report of:	Pinaki Ghoshal		
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Wards affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), were that the SEND Cross Party Stakeholders Working Group were meeting to consider proposals included in this report on the reorganisation of Special Provision in Brighton & Hove on 23 September 2016.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to set out the background and rationale for the proposed changes to special educational needs and disability (SEND) provision across the city and (i) to seek committee approval for proceeding to the next stage of the statutory process, which is the formal consultation process on particular proposals as set out below, and (ii) to inform the committee that there will be a further period of informal engagement regarding proposals for the integrated hubs for children with learning difficulties.
- 1.2 The commitment in making all recommendations is to:
 - preserve at least the existing number of specialist places for children with special educational needs (SEN) and disabilities;
 - maintain current ratios of class teachers and classroom assistants to pupils with SEN and disabilities;
 - provide an even better integrated education, health and care team around the child and family with greater access to extended day activities and short breaks;
 - increase opportunities for flexible inclusion in mainstream schools;
 - provide more specialist support for families coping with very complex needs and challenging behaviour.

2 RECOMMENDATIONS:

- 2.1 To agree that the following proposals should now go out to formal statutory consultation:

- (i) Extending the age range of Hillside School from 4-16 years to 2-16 years, with a view to implementation in September 2017
 - (ii) Extending the age range of Downs View School from 3-19 years to 2-19 years, with a view to implementation in September 2017
 - (iii) The closure of Patcham House School for children with complex needs in July 2018.
- 2.2 To agree that the outcome of the statutory consultation will be brought back to Children, Young People and Skills Committee meeting on 9 January 2017 in order for a decision to be made as to whether to proceed to the next step of the process, namely the publication of statutory notices.
- 2.3 To note that there will be a further period of informal engagement with relevant stakeholders regarding the most suitable model of provision for the proposed integrated hubs in the east and west of the city. The results of these discussions will be brought back to CYPS committee on 6 March 2017.
- 2.4 To agree that an options appraisal and further consultation on the location of a new integrated nursery will be conducted, and the outcome brought back to committee in January 2017.
- 2.5 To note that Homewood College school for children with social, emotional and mental health (SEMH) difficulties and the two Pupil Referral Units (the Connected Hub and Brighton and Hove Pupil Referral Unit) are progressing with the setting up of a Federation to provide an integrated hub for young people with SEMH under unified leadership and governance. Subject to agreement, capital funding will be set aside to upgrade the Homewood College site.

3 BACKGROUND

- 3.1 Please note a table of acronyms is included for reference in Appendix 1.
- 3.2 This report builds on a range of previous reports that followed the review of SEN and disability provision in the city from May 2014 to January 2015. Previous reports relating to the SEND review and subsequent proposals have been presented as follows:
- 3.3 **February 2015**
Joint Children & Young People Committee and Health and Wellbeing Board - The committee approved the recommendations arising from the review of special educational needs and disability in the Children's Services Directorate of the Council.

- 3.4 **July 2015**
Health and Wellbeing Board & Children Young People and Skills Committee - The Board and Committee approved the proposal to merge the Special Educational Needs and Disabilities (SEND) Review in Children's Service and the Learning Disability (LD) Review in Adult Services.
- 3.5 **November 2015**
Joint Children & Young People Committee and Health and Wellbeing Board - The joint meeting of the Health and Wellbeing Board and Children Young People and Skills Committee on 10 November 2015 gave approval for an engagement process with key stakeholders around proposals to integrate education, health and care provision in special schools and Pupil Referral Units.
- 3.6 **January 2016**
Children Young People and Skills Committee - The Children Young People and Skills Committee approved the proposed timeline for the engagement process and subsequent actions.
- 3.7 **June 2016**
Children Young People and Skills Committee - The June Children Young People and Skills Committee noted the results from the open engagement phase on special provision and approved the governance arrangements and an updated timeline for taking forward proposals.
- 3.8 **Why are we proposing changes to our special school and pupil referral unit provision?**
- 3.9 Building on what families and professionals told us in the original consultation stage of the SEND review (2014) we formulated a vision for SEN in the city as below:

Vision for SEN and Disability in the city

Brighton and Hove is committed to ensuring that all our vulnerable children and young people have the very best start in life and the best possible outcomes as they move into adulthood. Our vision is to provide inclusive fully integrated disability, care, health and education services of high quality to children and young people with special educational needs and disabilities, including behavioural, emotional and mental health difficulties. Services will be personalised to each child and family. Families will have as much choice and control over services and provision as possible. Streamlined well-integrated systems and efficiencies will enable the vision to be achieved within the value for money framework which the council is required to operate.

- 3.10 In order to move further towards realising the vision above, some changes to

existing provision need to be made.

3.11 These proposals are the result of a very lengthy process of review, community engagement and reflection that began in May of 2014.

3.12 The changes proposed are intended to:

- Improve further the provision we offer for children with SEN and disabilities and the outcomes they achieve.
- Respond to the challenge of the SEN reforms contained in new legislation (Children and Families Act 2014).
- Create provision that is better integrated across education, health and care.
- Provide better support to families beyond the school day and giving them more control via extended access to personal budgets.
- Ensure provision and resources are equitable, sustainable and affordable in the face of an extended period of austerity.
- Improve outcomes - while there is consensus that our special provision is generally of good quality and in some settings of excellent quality, not all children with complex SEN and particularly SEMH achieve the outcomes we want for them and not enough go on to lead independent and successful lives as adults.
- Further integrate services across education, health and care because families tell us that would help them.
- Prevent families breaking down under the pressures of supporting a child with complex special needs - too many young people are having to go out of the city to expensive 'agency' places often far from their families because the integrated education, health and care provision they need is not provided locally.
- Provide extended day care and support for our families with the most complex young people and to offer more support, including at home, to parents and carers especially when children have very complex physical/ medical needs and/or challenging behaviour.
- Provide for young people from 0-25 years rather than 2-19 years as previously to comply with current legislation (Children and Families Act 2014). This requires an expansion of existing provision and particularly new opportunities and pathways for young adults but from within existing resources.

- Ensure we make the best use of resources - SEN and disability budgets have never been under greater pressure and we have a considerably expanded age group to provide for without a significantly larger government grant. Currently spending on special provision does not always give us best value for money as not all of our provision is full while in some other settings there can be waiting lists for places.
- Consolidate and integrate provision to achieve improvements more affordably. This allows us to make much needed savings to re-invest in meeting the needs of all children and young people from 0-25 years with SEN and disabilities across the city (Appendix 2 details changes to school rolls over the past few years).

3.13 Stakeholder engagement event February to April 2016

3.14 The stakeholder engagement event revealed strong support from all stakeholders on the principles behind the review and particularly the proposals around:

- Greater integration of services across education, health and care.
- Greater support for families.
- Greater opportunities at the hubs for extended day, weekend and holiday activities.
- New inclusive nursery provision.
- More opportunities for inclusion via the involvement of lead partner mainstream schools with special provision.

3.15 However there were worries for stakeholders and some common themes were:

- Whether enough funding would in reality be found to realise the vision;
- Whether the new integrated hubs would be too large for children who benefit from small schools and personal attention;
- Whether the new model would in reality improve on existing much loved and highly regarded special school provision;
- Whether mainstream schools would be prepared to support more children with SEMH even if they received 'virtual' or 'satellite' place funding as if they were a special school;

- Whether bringing together children with complex learning needs and severe learning difficulties is the right way forward.
- 3.16 There is a consensus that the principle of integrated hubs for children with SEMH and learning difficulties is sound. However in relation to the models of integration, a further period of time is needed to explore with stakeholders whether this should be a merger so in each hub two schools become one school, or a federation in which there would be unified leadership and management but the schools would remain separate.
- 3.17 The LA believes there is a strong case for mergers of schools within the two learning difficulty hubs as the most efficient and effective way to offer the widest and best opportunities for children with learning difficulties. This is the route taken by many LAs nationally including in neighbouring East and West Sussex, with successful outcomes.
- 3.18 However it is accepted a further period of time is needed to explore the issues with all stakeholders and to set out the relative advantages and disadvantages. We are proposing a further period of engagement therefore before bringing recommendations back to committee in March 2017.
- 3.19 **Proposals which now require a period of formal consultation**
- 3.20 The council ran an informal engagement process on proposals to re-organise specialist provision for children with SEN and disabilities between February and April 2016.
- 3.21 The views of all stakeholders were summarised in a report to the CYPS committee in June 2016. Generally respondents were positive and gave their broad support to the proposals.
- 3.22 In that context, in order to progress particular proposals we now need to have a period of formal consultation with regard to the proposal to close Patcham House School and to extend the age range of Hillside and Downs View School to offer some places to children from 2 years of age.
See Appendix 3 for the proposed consultation document and questions.
- 3.23 As stated above in para 3.24 and 3.25 above it is proposed that there should be a further period of informal engagement in order to further explore the most suitable model for the two integrated hubs. Proposals regarding the integrated hubs will not therefore be the subject of formal statutory consultation at this stage.

3.24 Financial Considerations

The current costs of special provision under consideration in these proposals are as below:

Current SEND Expenditure 2016/2017	Commissioned Numbers	£ cost
Special Schools (six)	427 +18	£9.39m
The Connected Hub/Pupil Referral Unit	88	£1.45m
Post 19 Provision	26	£1.20m*
Early Years	18	£0.27m
Total	562	£12.31m

- 3.25 The addition of 18 places shown against special schools relates to the unit for children with autistic spectrum condition at West Blatchington Primary School currently led and managed by Downs Park School although pupils are on the roll of West Blatchington Primary School. Plans would be to delegate that provision fully to West Blatchington School within the time frame for implementation of proposals.
- 3.26 The cost of commissioned numbers will increase year on year until new 19-25 responsibilities are fully implemented.
- 3.27 Overall savings from this proposed reorganisation are £700,000 over three years to 2019/20. Savings will be re-invested into stretched budgets to meet the needs of children and young people with SEN and disabilities across the city from 0-25 years.

4 PROPOSALS & FORMAL CONSULTATION PERIOD

4.1 Current Specialist Provision

Establishment	Caters for pupils with	Pupil Places 2016/17	Age Range	Costs
Hillside Special School (Portslade)	Severe and profound multiple learning difficulties	73	4-16	£1,735,329
Downs Park School CDP Federation (inc ASC units) (Portslade)	Moderate learning difficulties and complex needs	98 +18	4-16	£1,807,954
Downs View Special School (Woodingdean) and Downs View Link College (Fiveways)	Severe and profound multiple learning difficulties	124	4-19	£3,009,227
Cedar Centre CDP Federation (Hollingdean)	Moderate learning difficulties and complex needs	65	11-16	£1,063,983
Patcham House School CDP Federation (Patcham)	Academically more able pupils with a range of additional complex needs	22	11-16	£604,462
Homewood College (Moulsecoomb)	Social, Emotional and Mental health needs	45	11-16	£1,170,471
The Connected Hub - Alternative Provision (Fiveways)	Social, Emotional and Mental health needs	34	Year 11	£476,000
B&H Pupil Referral Unit (Hollingdean and Dyke Road)	Social, Emotional and Mental health needs	54	Primary & Secondary	£977,000
Establishment – Post 19 Provision		Commissioned Numbers		
Post 19 Provision in Independent Sector	Severe learning difficulties	26	19+	£1,206,000
Establishment – Early Years		Commissioned Numbers		
Jeanne Saunders/Easthill Park (Hove and Portslade)	Complex needs, severe learning difficulties and disabilities	18	R-1	£271,000

4.2 Diagram to demonstrate proposals

Current Provision	Current Designation	New Provision	New Designation
Hillside Special School	SLD/PMLD	INTEGRATED HUB WEST (Cognitive & Learning) Further engagement to take place on the model for integration	Learning Difficulties
Downs Park Special School	Complex needs/LD		
Downs View Special School	SLD/PMLD	INTEGRATED HUB EAST (Cognitive & Learning) Further engagement to take place on the model for integration	Learning Difficulties
Cedar Centre Special School	Complex needs/LD		
Patcham House Special School	Complex needs	Patcham House Closes Sept 2018	
		New Special Facility (SF) based at one of our mainstream Secondary Schools	Complex Needs
Homewood College	SEMH	INTEGRATED HUB CENTRAL (Social, Emotional and Mental Health) 1 School and 1 PRU with separate DfE numbers but under unified leadership, management & governance structure	SEMH
B&H PRU**			
The Connected Hub**			
Jeanne Saunders Centre	Early Years LD	INTEGRATED NURSERY PROVISION (name to be agreed) Based on a new site yet to be agreed plus places in the two integrated hubs for the pre-reception year and from two in exceptional circumstances	Early Years LD

Key

** Merge to form 1 PRU

SLD/PMLD – Severe/profound & multiple learning difficulties

Complex Needs (LD) - Complex needs with Learning Difficulties

SEMH – Social Emotional and Mental Health

LD – Learning Difficulties

Early Years LD – Early Years Learning Difficulties

SF – Special facility

4.3 What would this mean for each setting?

4.4 Jeanne Saunders and Easthill Park Specialist Nurseries

It is intended that these outstanding nurseries for children with complex SEN and disabilities will be retained but will be re-located as part of an inclusive integrated nursery which can offer the free entitlement of 15 hours in a five day week provision to children with disabilities in their pre-reception year in

disabled accessible premises. The current Jeanne Saunders nursery is open two days only in a building that does not have and is not suitable for full disability access hence having to run a second small satellite nursery at Easthill Park. The Government is extending free childcare for 3 and 4 year olds for working parents to 30 hours from September 2017. Parents would have the option of taking the additional 15 hours in the same nursery. Potential existing mainstream nursery sites are under investigation. Capital funding will be sought to upgrade and extend a mainstream nursery site once identified as needed. The current buildings would then be surplus to requirements. Easthill Park premises are owned by the council. Penny Goby House (Jeanne Saunders) is owned by a charity and negotiations are underway to determine future use of the building.

The current scope of the Early Years project group has been extended to include any future development of the ICAN specialist speech and language nursery based at Carden School.

4.5 Patcham House School

This school has become very small (20 pupils in September 2016 – see appendix 2) and is not financially viable without significant additional transitional protection from the LA. Under these proposals this school would close in July 2018 which would enable all the current Key Stage 4 pupils to complete their education at the school. The very small number of pupils at the school who are currently in Year 9 would be found alternative suitable placements as part of a personalised pathway worked out with their families over a carefully managed time scale.

4.6 New Special Facility (SF)

The LA is seeking expressions of interest from mainstream secondary schools in the city to house a new special facility which would take around 20 pupils with complex needs. These pupils would have Education, Health and Care plans and would require special arrangements over and above those normally made by a mainstream school but would also be able to access the full range of curriculum and other opportunities available in a mainstream school. The new special facility places would attract funding per place similar to that of a special school and would add to capacity for inclusive provision to that already provided by the high quality and popular provision at the Swan Centre SF at BACA and the Phoenix Centre SF at Hove Park School.

4.7 Homewood College

This school would remain open on the current site in a Federation with the combined Pupil Referral Unit under the leadership of an Executive Head and one combined Governing Body/Management Committee. Capital funding is being sought for a major uplift and refurbishment of the site to improve the facilities and curriculum offer for pupils at the school.

4.8 **Brighton & Hove PRU and the Connected Hub**

These two Pupils Referral Units would merge. It is not necessary to follow the processes set out in school organisation legislation to achieve this merger, as although PRU's are schools they do not come within the definition of 'maintained schools' and are not therefore within the scope of the legislation. The combined PRU will federate with Homewood College under the leadership of an Executive Head and one combined Governing Body/Management Committee.

4.9 **Lead Partner Mainstream Schools**

We will be seeking expressions of interest from mainstream primary and secondary schools to become lead partner schools working closely with the integrated hubs to champion the inclusion of pupils with SEND across all mainstream schools, to offer training and support to other schools and to work with the hubs to offer more opportunities for pupils from special provision with mainstream schools.

4.10 **Educational provision post 19**

The SEN reforms emanating from the Children and Families Act 2014 place a responsibility on Local Authorities to maintain Education, Health and Care Plans (EHC plans) where needed for young people from 19-25 years whereas formerly responsibility ended at 19 years. No specific additional funding has been provided for this purpose but the costs are escalating and the provision is often sparse with little choice for students and sometimes a lack of opportunities for meaningful progression. This is a new and complex area for Local Authorities especially complicated by the current legal framework which does not allow maintained schools to register students post 19 years.

4.11 We wish to ensure that all young people eligible for EHC plans between 19 and 25 years have a choice of strong courses to follow leading to meaningful accreditation and preparation for adulthood. We also wish to reduce the higher than average percentage of young people with SEND in the city who are 'NEET' (not in education, employment or training) post 16.

4.12 In this context, as a partnership between Varndean Sixth Form College, Downs View special school and the Local Authority, we are piloting provision for post 19 young people with severe learning difficulties in a temporary newly refurbished base at Patcham House School. Downs View already runs outstanding provision at Downs View Link College for young people from 16-19 years and we are confident that provision will support the LA to meet wider needs in this age group and provide a high quality better value alternative to the sole independent provider in the city for this age group.

4.13 We also wish to strengthen partnerships with local colleges and City College in particular in terms of the offer to our young people with EHC plans from

16-25 with enhanced support from the integrated hub west in terms of devising and delivering an appropriate curriculum.

4.14 Cedar Centre and Downs View

There will be a period of further engagement on the most suitable model of integration to form the Integrated Hub East with a further report to CYPS committee on 6 March 2017.

Capital funding is being sought for a major extension and refurbishment of the Downs View site subject to agreement.

4.15 Downs Park and Hillside

There will be a period of further engagement on the most suitable model of integration to form the Integrated Hub west with a further report to committee on 6 March 2017.

Capital funding is being sought to upgrade both sites.

4.16 Governance

4.17 Consideration has been given to changes to governance arrangements which might be required and several meetings have taken place with representatives from the various current governing bodies of all the special schools and PRU's.

4.18 Governance is a strength of our special schools and Pupil Referral Units and the LA is keen to preserve and improve upon the strength of leadership for new arrangements.

4.19 There are statutory regulations around changes to governance structures and as a consequence, the LA has commissioned some independent expert consultancy to work with governors and the LA's legal advisers on the implications of the proposals for current and future governance arrangements.

4.20 Property

4.21 Bringing together our current provision into three integrated 'hubs' will require a long lead in period to allow for capacity assessments, feasibility and detailed design, tendering and finally construction.

4.22 It is therefore considered essential to consider property options at this stage in the process to ensure the options put forward can be delivered in accordance with the delivery timeline.

- 4.23 We therefore intend to undertake feasibility work looking into the options for expansion on the Downs View site for the integrated provision in the East. We will also do the same for Hillside and Downs Park sites for the integrated provision in the West. This will include the provision of any necessary extensions and internal refurbishment.
- 4.24 The proposal for the Central Hub may result in some properties being declared surplus as well and possible extensions and refurbishments of those properties to be retained. However this situation will be kept under review as the consultation period progresses. If full merger of any or all of the schools in the integrated hubs is put to formal consultation after a further 12 months to consider options, other buildings may be released over time.
- 4.25 A sum of £5 million has been provisionally included in the capital programme for work required to deliver the outcomes of this review over the next two years. This has been ring fenced from the Pupil Places grant provided by central government to ensure that the council can meet its statutory responsibility to secure a school place for every child that requires one.
- 4.26 In addition to this funding there will be capital receipts generated by the sale of property which will be surplus to requirements as a result of this review. It is intended that these capital receipts should be ring fenced to meet some of the capital costs associated with this review. A report will be considered by Policy Resources & Growth (P, R &G) Committee in December. This report will present a high level business case for the implementation stage.
- 4.27 Each individual project will then need to be worked up in more detail to determine the exact extent and cost prior to commencing on site.
- 4.28 The agreement of P, R &G to the high level business case is required prior to the publication of statutory notices. This is because it is necessary, as part of the full Proposal Information, to demonstrate that funding is available to implement the proposals should they be approved. The Full Proposal Information needs to be available from the date of the publication of the statutory notice.

4.29 **Analysis and Consideration of any Alternative Options for Integrated provision**

Option 1

- 4.30 This would be to continue with the status quo of six small special schools and two Pupil Referral Units. This option has been rejected as unsustainable as the matrix of needs has changed over time and we no longer have sufficient demand in some settings while other schools are over-subscribed. This leads to some schools becoming too small to run a full curriculum and to the LA needing to provide significant amounts of 'protection' funding to keep schools afloat when this money is urgently needed for children with SEND elsewhere in the system.
- 4.31 This is particularly the case with Patcham House School, which has consistently provided a good education to its vulnerable pupils but which has had a falling roll over a number of years (appendix 2 table 1). The pupils that Patcham House caters for have similar needs to those who are now successfully placed in the special facilities (Swan Centre and Phoenix Centre) in our mainstream provision. Greater inclusion has meant that schools like Patcham House (whose original historical designation was to cater for 'delicate' pupils) have generally closed over time across the country.

Option 2

- 4.32 An option that has been considered carefully and which the LA would recommend for further consideration is to merge the schools fully in the integrated learning difficulty hubs.

This would mean:

- That Hillside and Downs Park would merge to become one school with one DfE number. In order to achieve the merger it would be necessary to comply with the legal processes set out in the school organisation legislation. These would require that one school increase its pupil numbers and the other school would close. However both school sites would remain and there would be the same number of pupil places, with specific arrangements continuing to be made for the different needs of pupils.

- That Downs View and Cedar Centre would merge to become one school with one DfE number with a new build on the Downs View site to enable pupils who would normally be educated at the Cedar Centre in the future to be educated on this high quality site. The legal process would be the same as for the merger of Hillside and Downs Park as set out in the paragraph above i.e. one school would increase its numbers and the other would close, although the same number of pupil places would remain and specific arrangements would continue to be made for different needs of pupils.

Option 3

4.33 Careful consideration has also been given to the option of federating the schools in the eastern and western hubs instead of merging them. This option would mean all four schools for children with learning difficulties remaining open and would maintain the quality provision and individual character of each school. Hillside and Downs Park in this option would federate under one governing body in the west and Cedar Centre and Downs View would federate in the east. Each federated hub would have a unified leadership structure under an executive headteacher with a single governing body.

4.34 Accepting there are mixed views, the LA believes that the full merger of the schools for children with learning difficulties would be the best option to realise fully the vision for provision of the future of fully integrated education, health and care provision from 0-25 and principally:

- Combining strength and expertise from two environments
- Forming consolidated, stronger and more stable provision with more financial flexibility arising from economies of scale
- Allowing the virement of funds as needed across the hub which is not possible legally between separately registered schools
- Providing broader and more exciting range of curriculum opportunities and more options for children learning together in a more inclusive peer group
- Increasing flexibility in meeting the needs of pupils and particularly those on the 'borderline' between the two types of school
- Providing greater professional development opportunities for staff
- Providing greater stability in leadership as larger schools aid recruitment and retention of high quality leaders

- Creating strong pathways for children’s education, health and care from 0-25 years with better transitions to adulthood for all and improved vocational options including supported internships and apprenticeships
- By consolidating provision on a best value basis, enabling funds to be released to meet a wider range of SEND pressures in the system

4.35 However the informal engagement process suggests that stakeholders need more time to consider the balance of advantages and disadvantages of a full merger/federation and also that views differ in different parts of the city depending on views on current provision. As a consequence it is felt to be too early to put forward specific proposals regarding the precise model of reorganisation of this element of special school provision and that further discussions should take place with relevant stakeholders. Once these discussions have taken place specific proposals can be brought back to committee in March 2017.

5 Community engagement and participation

- 5.1 An informal engagement period took place in the spring of 2016 on the broader proposals with a report to committee on the outcome in June 2016. There is wide representation of stakeholders across the governance and management arrangements for the review, a summary of which with all responses was brought to the June meeting of the CYPs committee.
- 5.2 Three project groups were established for each of the three areas of the proposals, notably provision for:
- Learning difficulties (LD)
 - Social emotional and mental health needs (SEMH)
 - Early Years
- 5.3 Each group consists of a broad range of stakeholders who would be affected by the changes in some way and who together have a breadth of expertise and experience to support the LA in its intention to coproduce specific options for change on which to formally consult.
- 5.4 The groups have been meeting together since early spring and discussions have been constructive, informed by the regular interim analysis of consultation feedback. The purpose of the groups is to form a partnership with stakeholders to coproduce specific and detailed proposals regarding future SEN provision in the city.

6 CONCLUSION

- 6.1 The purpose of proposals to re-organise our special school and PRU provision is to improve our provision for young people with the most complex needs. The aim is to enhance curriculum and extended day activities within settings offering fully integrated education, health and care support and improved support for families where children have very complex needs and/or challenging behaviour.
- 6.2 The reorganisation also needs to offer better value so that improvements to provision for children with SEND are affordable and sustainable into the future. Proposals are predicated on keeping and slightly increasing the number of specialist places and keeping the same ratio of teachers and support staff to children but consolidating and streamlining provision so that it is more cost effective to run.
- 6.3 The LA is aware of the need to be sensitive to the uncertainties caused by the prospect of change for families of vulnerable children with complex needs and for the dedicated staff teams in schools and health and care settings who support them. Assurance is provided in these proposals that the needs of children and young people are paramount and that all possible steps will be taken to ensure no disruption to their learning or wellbeing.
- 6.4 We will continue to co-produce proposals with families and professionals on the basis of a strong consultative model.

7 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommendations included in this report have implications to both revenue and capital funding.
- 7.2 The proposals state that the intention is to retain at least the same number of specialist placements for children with SEN and disabilities but to re-structure and re-organise provision. This approach will safeguard Dedicated Schools Grant (DSG) high needs block funding levels whilst, at the same time, delivering greater economies of scale resulting in reduced unit costs.
- 7.3 In particular, the plan to integrate provision will facilitate savings in revenue budgets relating to management and administration, and premises. Analysis of special school budget plans for 2016/17 has identified approximately £2.9m is currently spent in these areas and the proposals in the report seek to save £700,000 over a 3 year period from 2017/18. The reduction in costs will mean that the unit values for top-up funding in special schools will be recalibrated. It is likely that the Local Authority will need to seek approval of Department for Education (DfE) to dis-apply the minimum funding guarantee

that exists within the Schools and Early Years Finance Regulations.

- 7.4 The proposal to integrate provision for children and young people with an Education Health and Care plan will allow more effective use of resource across the Council's general fund, the DSG and joint-commissioning with partners in health. It will be necessary to ensure that the proposals are compliant with the relevant funding regulations, particularly should DSG funding be extended to support provision currently being delivered through core council funding.
- 7.5 In order to facilitate the necessary property changes a sum of £5m has been set aside in the capital programme to support the SEND review. The disposal of any surplus assets identified under this review may potentially generate capital receipts. Those receipts, less any disposal costs, will be ring-fenced to support capital investment through the Council's Capital Investment programme to enable the adaptations and improvements to the new provisions. The balance of receipts after the initial ring-fencing will be used to support the Council's future corporate capital strategy.

Finance Officer Consulted: Steve Williams Date: 07/09/16

Legal Implications:

- 7.6 In order to achieve any reorganisation of provision the Council must comply with the School Organisation legislation, the Education and Inspections Act 2006 (EIA), and statutory guidance published by the Department for Education. Both the legislation and guidance set out the steps which the Council must take before making any decisions on proposals to reorganise school provision.
- 7.7 If a Local Authority proposes to close a school then it must carry out a period of statutory consultation. The informal engagement process carried out earlier this year covered a range of possible options and therefore would not be regarded as statutory consultation for the purposes of the legislation. Statutory consultation must cover the specific closure proposal of the schools in question.
- 7.8 As the closure proposals relate to a community special school the LA is required to consult with a prescribed list of consultees as set out in section 16 of the EIA which includes registered parents of registered pupils at the school and any other LA which maintains an EHCP or statement in respect of a registered pupil at the school.
- 7.9 How the consultation is carried out is not prescribed in the legislation, it is for the Local Authority to determine its nature and length. However the Guidance recommends that it should last for a minimum of six weeks and if possible should avoid school holidays.

- 7.10 Proposals to change the age range, expand and/or redesignate a school do not require a statutory 'pre-publication' consultation period however there is a strong expectation that LA's will consult interested parties in developing their proposals prior to publication. The consultation period proposed in this report in order to change the age range at Hillside and Downs View will therefore satisfy this requirement.
- 7.11 The outcome of the consultation will be reported back to Children, Young People and Skills Committee in January 2017 and a decision made as to whether to proceed to the next stage of the statutory process, the publication of statutory notices.
- 7.12 If schools wish to federate with one or more schools they must follow the procedures contained in the School Governance (Federations) (England) Regulations 2012. Any decision to federate is that of the governing bodies of the relevant schools, not the local authority .The schools would be required to consult with the local authority as part of the process.

Lawyer Consulted:

Serena Kynaston

Date: 21/9/16

Equalities Implications:

- 7.13 The proposals are based on a vision for improving the provision and outcomes for children requiring specialist provision and their families. By integrating education, health and care more fully and providing enhanced short breaks, respite and family support, proposals are aimed at avoiding family stress and breakdown where children have the most complex needs and challenging behaviours.
- 7.14 An Equalities Impact Assessment was compiled at an earlier stage of the SEND review and will be updated and informed with the results of the formal consultation.

Sustainability Implications:

None at this stage

Any Other Significant Implications:

None at this stage

SUPPORTING DOCUMENTATION

- Appendix 1* **Summary of Acronyms used in the report**
Appendix 2 **Commissioned Places (Contracted Places) and Pupil Numbers 2014/15 to 2016/17**
Appendix 3 **Proposed Consultation Document**

Appendix 1:

Summary of acronyms used in the report

ASC	Adult Social Care and also Autistic Spectrum Condition
BESD	Behaviour, Emotional and Social Difficulties
BHPRU	Brighton and Hove Pupil Referral Unit
CAMHS	Child and Adolescent Mental Health Service
CCG	Clinical Commissioning Group
DSG	Dedicated Schools Grant (DfE grant to provide funding for schools)
DOLS	Deprivation of Liberty assessment
DVLC	Downs View Link College
EIA	Equality Impact Assessment
HNB	High Needs Block (LA funding for pupils with 'high needs')
LA	Local Authority
LD	Learning Disabilities
MLD	Moderate Learning Difficulties
OT	Occupational Therapy
PRU	Pupil Referral Unit
RAS	Resource Allocation System
SEMH	Social Emotional and Mental health
SEND	Special Educational Needs and Disabilities

Appendix 2 – Table One:

Commissioned Places (Contracted Places) and Pupil Numbers 2014/15 to 2016/17

Establishment Type

Special School

	2014/2015		2015/2016		2016/2017	
	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll**
Homewood	45	40	45	38	45	39
Cedar Centre	76	75	72	72	65	65
Downs Park	86	89	90	93	98	96
Downs View	117	119	120	119	124	125
Hillside	70	70	72	73	73	73
Patcham House	36	38	31	32	22	20
	430	431	430	427	427	418

Alternative Provision

	2014/2015		2015/2016		2016/2017	
	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll**
Pupil Referral Unit	54	42	54	36	54	N/A
Connected Hub	34	36	34	36	34	N/A
	88	78	88	72	88	
Agency Placements ***		65		61		65

Special Facilities (SF) in Mainstream Settings

	2014/2015		2015/2016		2016/2017	
	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll*	Contracted Places	Numbers on Roll**
WB ASC SF*	15	17	15	17	18	16
Phoenix Centre SF	13	10	13	12	13	13
Longhill SF	20	16	20	17	20	18
Carden SF	24	24	24	23	24	24
Swan Centre****						
	72	67	72	69	75	71

*WB ASC Unit – West Blatchington Autistic Spectrum Condition Special Facility

*Pupil numbers are as at January census with the exception of 2015/16 where the provisional October 2015 census data is shown. For all provisions, there is a turnover of pupils throughout the year so these figures are a snapshot.

** Pupil numbers are an estimate based on September 2016 admissions.

*** Agency Placements (i.e. independent special school places – often out of city and sometimes residential) are spot purchased and calculated on a full time equivalent number of places over a financial year.

**** Swan Centre based in Brighton Aldridge Community Academy is centrally funded from the High Needs Block and not based on a contracted number of places.

The contracted number of places in our special provision is based on a commissioning exercise undertaken by the local authority and our providers. Overall the number of commissioned places has remained fairly static during the three year period but the pattern of commissioned places has changed subject to year on year demand. Numbers in Downs Park, Hillside and Downs View have all shown an increase over the period and the commissioned places been used in full each year.

Over the same three year period, Patcham House School has seen a fall in numbers continuing a pattern from previous years and significant amounts of transitional funding have been required to maintain financial viability.

Brighton & Hove Special Educational Needs & Disability Review 2016

Formal Consultation- Reorganisation of Special Provision in Brighton & Hove



What are we consulting you on?

We are consulting you about:

- A proposed extension of the age range of pupils for which Hillside and Downs View Special Schools are registered so they can take a small number of children with the most severe and complex needs from the age of 2 years.
- Closing Patcham House School for children with complex needs in July 2018. It is proposed that a new secondary mainstream special facility (SF) would open in September 2018 for a similar number of children with complex needs (location to be agreed).

The commitment

The commitment in making all recommendations is to:

- a. improve further outcomes for all children and young people with SEN and disabilities from 0-25 years;
- b. preserve **at least the existing number of specialist places** for children with special educational needs (SEN) and disabilities;
- c. maintain current ratios of class teachers and classroom assistants to pupils with SEN and disabilities;
- d. provide an even better integrated education, health and care team around the child and family with greater access to extended day activities and short breaks;
- e. increase opportunities for flexible inclusion in mainstream schools;
- f. provide more specialist support for families coping with very complex needs and challenging behaviour.

Background

From February 2016 – April 2016 we started an engagement exercise with all stakeholders in relation to proposals to re-organise our special school and Pupil Referral Unit provision.

During this phase we asked participants broader questions about our ideas, visions and principles and analysed their responses in partnership with representative from Amaze and Parents Carers Council.

From the responses it was clear that the some of our proposals had very substantial support and we do not therefore propose to consult further on these areas.

What has happened so far?

In 2014, we talked to a wide range of people and organisations with an interest in how we meet the needs of our children and young people with special educational needs to help us review what we already provide. The report from the review can be found at: [\(link\)](#)

This led us to think about what changes might be needed to improve what we provide in our city, so that we can meet the needs of most vulnerable children and make the best use of the funding that we have.

In January 2016 our Children Young People and Skills Committee agreed that we should consult the local community to help us design our special provision for the future and get some feedback on some initial ideas before any firm decisions were made about the proposals we should then formally consult everyone on. This period, which we called the 'engagement phase', ended on 22 April 2016. You can read a summary of the responses we received here: [\(link\)](#)

We listened to what everyone had to say and are now putting forward some proposals for formal consultation. This is part of the formal process we have to go through under legislation when we are proposing a reorganisation of school provision.

Our vision for SEN and disability provision

Brighton and Hove is committed to ensuring that all our vulnerable children and young people have the very best start in life and the best possible outcomes as they move into adulthood. Our vision is to provide inclusive fully integrated disability, care, health and education services of high quality to children and young people with special educational needs and disabilities, including behavioural, emotional and mental health difficulties. Services will be personalised to each child and family. Families will have as much choice and control over services and provision as possible. Streamlined well-integrated systems and efficiencies will enable the vision to be achieved within the value for money framework which the council is required to operate.

Our principles

- i.** To engage parents and young people effectively at all levels of strategic and decision-making forums and to keep families at the heart of all we do
- ii.** To ensure the best possible outcomes for children and young people with SEND and SEMH as children and into adulthood
- iii.** To promote inclusive fully integrated education, health, care and disability provision of high quality ranging from 0-25 years
- iv.** To ensure the most effective joint commissioning of services across education, health, care and disability services
- v.** To ensure excellent practice in identification and assessment of SEN and disability
- vi.** To deliver high quality provision and services within a value for money context, acknowledging need for on-going efficiencies in council spending
- vii.** To improve transition arrangements to adulthood and ensure extended assessment and provision from 19 to 25 years
- viii.** To provide choice for families and facilitate best use of integrated personalised budgets and direct payments

Why do we need to make changes?

We want to create a better, more holistic and sustainable service for the future over the next four years. By 2020 we want to have enough places within the city all children and young people from 0-25 years with special educational needs and to be able to fulfil our legal responsibilities towards them. The reasons we need to make changes are that we don't always have the right provision in the right place at the right time for all of our children. Specifically:

a) Demand for places in our special schools has changed over time.

We currently have just less than 430 children and young people across our six special schools. This is in line with the total number we would expect a city of our size to have. However, we have a comparatively greater number of schools, and pupils are not evenly spread across them. Some schools are consistently oversubscribed and others are very small and have struggled to admit enough pupils to be viable.

b) We need to make best use of our money

We have had to spend over £900,000 additional money over the past five years to make sure that our smallest schools can balance their books and provide an appropriate curriculum for their pupils. We have also had to make separate provision for the small number of children who cannot access the main Jeanne Saunders Centre site due to their physical disabilities, and this is not cost effective. Through appropriate reorganisation, this money might be better used elsewhere to meet the pressing needs of all children and young people with SEN and disabilities across the city.

c) Everyone needs to work better together and alongside parents

Children with complex needs in special provision need additional help from professionals from health and social care. Many parents tell us that this is best provided, where staff can work better together in a more integrated way and improve our provision for children. This is also what the new Children and Families Act 2014 expects us to do.

d) There are new demands on our services

Parents of children with complex needs of all ages need more help so that they can manage their child's needs at home too.

In order to meet our legal responsibilities, we also need to make sure that we can develop extra provision for those young people who need to continue with their education beyond 19.

Is this about 'cuts'?

These proposals are not about cuts. We are aiming to consolidate our special school and PRU provision to run a better more integrated and improved service in a way that offers best value for all children. Any savings made from reducing the number of buildings we use or bringing together leadership teams and back office staff will be spent on our children with SEN and disabilities across the city where there are many

pressures and many children needing extra support. We have to make sure we have the right provision in the right place at the right time and to make changes over time to ensure this remains the case.

The Proposals

1. Early Years

We are proposing:

- That the provision for Early Years would include the option for a small number of young children with the most severe and complex needs to have a part time specialist place at either Hillside or Downs View Special Schools for children for their pre-reception year (ie from the September following their third birthday). Although the intention is that two year olds should continue to access mainstream provision the proposals is to extend the age range of both schools to allow the possibility of a place for a two year old in very exceptional circumstances.
- That a new integrated nursery would be based at one of the Council run nurseries or a Nursery School. Children would be able to access their statutory early years entitlement of 15 hours in one setting. The Government is increasing free childcare for 3 and 4 year olds with working parents to 30 hours from September 2017. Working parents would have the option of taking their additional 15 hours and/or paying for more hours in the same nursery.
- Parents of eligible children would also still have the option of a place at the Jeanne Saunders nursery either on its current site or when re-located within an inclusive mainstream nursery.

2. Patcham House

We are proposing:

- That we formally consult on the closure of Patcham House School in July 2018 which would enable all the current Key Stage 4 pupils (who are the very large majority of pupils at the school) to complete their education at there.
- This school has become very small (20 pupils in September 2016) and is not financially viable without significant additional transitional protection from the LA. Almost all current pupils are in Years 10 and 11 and will continue at the school until they leave. The very small number of pupils at the school who are currently in Year 9 would be found alternative suitable placements as part of a personalised pathway worked out with their families over a carefully managed time scale. Continued close links with the neighbouring secondary school will enable the curriculum to remain sufficiently broad and balanced over this time.
- That a new Special Facility would open in a mainstream secondary school to take around 20 pupils with complex needs. The LA is seeking expressions of interest from mainstream secondary schools in the city to house a new special facility. These pupils would have Education, Health and Care plans and would require special

arrangements over and above those normally made by a mainstream school but would also be able to access the full range of curriculum and other opportunities available in a mainstream school. The new special facility places would attract funding per place similar to that of a special school and would add to capacity for inclusive provision to that already provided by the high quality and popular provision at the Swan Centre SF at BACA and the Phoenix Centre SF at Hove Park School.

The consultation timeline for these proposals

Timescale	Action
February – 22 April 2016	Phase 1 - Open engagement phase
6 June 2016	Committee asked to approve formal proposals for public consultation
6 October 2016 – 2 December 2016	Phase 2 - Public consultation phase
16 January 2017	CYPS Committee to make decisions on proposed changes and the publication of statutory notices to implement the changes
January – March 2017	Phase 3 - Publication of Statutory notices
September 2017	Implementation of lower age ranges at both Hillside & Downs View
September 2018	Closure of Patcham House

Important things to remember

- We want to build on our strengths to create and achieve overall excellence
- There will be no fewer specialist places available for our children and young people with special educational needs. In fact, we are suggesting a few more
- Overall frontline support, including social, emotional and mental health needs, is not being cut as part of these proposed changes
- Any savings being made as part of these proposals are being reinvested into other special educational needs and disability services, where there are pressures.
- These changes help us develop the additional provision for the full 0-25 age range that we are required to make under the new legislation

Having your say

Following committee decision consultation events will be held at all affected Special provision and these events will be publicised via the school, Amaze, PaCC and Council websites

We welcome feedback from everyone and this can be given through any of the following:

- By replying on-line to our questionnaire
- by sending your completed questionnaire to us at:
SEND Team, Room 204, Brighton & Hove City Council, Hove Town Hall, Norton Road, Hove, BN3 3BQ
- telling us what you think at one of the events that we have set up
- by emailing your comments to sendreview@brighton-hove.gov.uk
- by leaving a voicemail on 01273 293232

We will need your feedback by Friday 2nd December 2016 for us to be able to take account of it.

Parent/carers can contact Amaze if they need help to respond.

Proposals for the reorganisation of special provision for children and young people with the most complex needs

Consultation questionnaire

Please tell us in what capacity you are responding by ticking just one box. Please use the list on the previous page to guide you.

.....

If responding as representative of a group please name the group clearly (eg Governing Body of ... School) and include below your contact details and the number of people in the group you are representing.

.....

1. Pre School

Background

We are proposing that the provision for Early Years would include the option for a small number of young children with the most severe and complex needs for a part time specialist nursery place at either Hillside or Downs View Special Schools for the year prior to Reception (i.e. from the September after their third birthday). In exceptional circumstances children from 2 years could be offered a specialist place.

Parents of eligible children would also still have the option of a place at the Jeanne Saunders nursery either on its current site or when re-located within an inclusive mainstream nursery. Additionally parents of children with SEN and disabilities will still have the option to choose their local nursery where support will be provided for identified needs.

Question

In order to extend the choice to include a special school nursery option we are consulting on extending the age range of:

- a) Downs View school - this to become 2-19 years rather than the current 3-19 years

Do you:	<u>Strongly agree</u> _____	please tick ✓
	<u>Tend to agree</u> _____	
	<u>Neither agree nor disagree</u> _____	
	<u>Tend to disagree</u> _____	

Strongly disagree

Don't know

If there is anything you want to tell us about the reason for your answer, you can write this here:

- b) Hillside School – this to become 2-16 years rather than the current 4-16 years In relation to the proposals to extend the age range for Hillside and Downs View as above:

Do you: Strongly agree please tick ✓
Tend to agree
Neither agree nor disagree
Tend to disagree
Strongly disagree
Don't know

If there is anything you want to tell us about the reason for your answer, you can write this here:

2. The closure of Patcham House School and the opening of a new Special Facility in mainstream Secondary School

Background

Patcham House has offered good and valued education and support for pupils with complex needs for many years. However in recent years, the number of pupils needing a place at the school has declined significantly. Almost all of the 20 remaining pupils are in their final two years of school. As a result it has become very difficult for the school leaders to balance the books without substantial extra funding from the Local Authority each year. This extra funding is very much needed to support pupils with SEN and disabilities elsewhere in the City. The proposal therefore is that Patcham House School for children with complex needs closes in July 2018. There are currently 20 pupils at the school and by closing the school in July 2018 almost all current pupils would finish their education at the school prior to closure. The small number of pupils in the current year 9 would be found high quality alternative provision following close consultation with their families.

It is proposed that a new secondary mainstream special facility (SF) would open in September 2018 for a similar number of children with complex needs (location to be agreed). This new Special Facility would complement the SFs already offering popular high quality specialist provision at Brighton Aldridge Community Academy, Longhill School and Hove Park School. Special facilities are units within mainstream schools for children with a variety of complex needs who might otherwise need a special school place. They offer specialist teaching and protected arrangements for more vulnerable pupils but also opportunities for accessing a mainstream curriculum and inclusive opportunities within and beyond the school day.

Question

In the above context, in relation to the proposal to close Patcham House School in July 2018

Do you: Strongly agree _____ please tick ✓
 Tend to agree _____
 Neither agree nor disagree _____
 Tend to disagree _____
 Strongly disagree _____
 Don't know _____

If there is anything you want to tell us about the reason for your answer, you can write this here:

