

# North Yorkshire County Council

## Executive

20 September 2022

### Proposal to add provision for Special Educational Needs in the form of Targeted Mainstream Provision at Caedmon College, Whitby

Report by the Corporate Director - Children and Young People's Service

#### **1 PURPOSE OF REPORT**

- 1.1 To provide the Executive with information upon which to make a decision on whether to publish statutory proposals and notices to add provision for Special Educational Needs in the form of Targeted Mainstream Provision at Caedmon College, Whitby.

#### **2 EXECUTIVE SUMMARY**

- 2.1 The County Council's SEND Strategy, approved in September 2018, set out the model of targeted SEN provision in mainstream schools.
- 2.2 The first phase of implementation began in September 2020 with 7 schools creating 56 full time school places for children with SEN.
- 2.3 Following discussions with the Governors and Headteacher, Caedmon College in Whitby has been selected to deliver a Targeted Mainstream Provision for children with Communication and Interaction needs. Stakeholders were asked to provide views on these proposals.
- 2.4 The school organisation consultation is specific to the technical issue of mainstream schools adding or removing Special Educational Needs Provision as set out by the Department for Education. Having consulted extensively on the changes to the delivery model of SEN provision prior to the approval of the Strategic Plan, and specifically on the detail of the delivery model between 6 February and 15 March 2020, the intention of this consultation was not to seek further views on the model itself.
- 2.5 This consultation commenced on 16 June 2022 and was open for a period of 4 weeks closing on 29 July 2022.

### **3 BACKGROUND**

- 3.1 The Education and Inspections Act 2006 sets out the procedures for making changes to maintained schools. These are detailed in School Organisation regulations and guidance<sup>1</sup>. The regulations and guidance apply to Local Authorities and governing bodies proposing to make changes to schools, and to Local Authorities (including the County Council's Executive or Executive Members) acting as decision-makers.
- 3.2 In September 2018 the local authority launched its SEND Strategy, an ambitious 5-year strategy that will transform the range of educational provision across the local authority for young people with SEND. The approved strategy clearly explains the future changes to the model of Enhanced Mainstream Schools which was implemented from September 2020.
- 3.3 The local authority has proposed the introduction of 31 targeted mainstream provisions when the programme is fully established. The focus for each provision will be either Communication and Interaction (C&I) or Social and Emotional Mental Health (SEMH)
- 3.4 Public consultation on the introduction of a targeted mainstream provision for Communication and Interaction at Caedmon College, Whitby was undertaken between 16 June 2022 and 29 July 2022. The feedback from this consultation is reported below.

### **4 CONSULTATION UNDERTAKEN**

- 4.1 Consultation documents (Appendix 1) were distributed to the lists of consultees (Appendix 2).
- 4.2 The Local Authority organised a virtual public meeting where consultees were able to view and listen to a presentation on the proposals online and then ask any questions that they may have. This was carried out using Teams and allowed consultees to speak directly to the officers who were working on the proposal. A record of the meeting is attached as Appendix 8B.
- 4.3 By the closing date 5 consultation responses had been received.

### **5 RESPONSES TO THE CONSULTATION AND OTHER KEY ISSUES**

- 5.1 The consultation period ran from 16 June 2022 to 29 July 2022. Consultation documents were distributed to a range of stakeholders (Appendix 2) including Head Teachers, Governors, Parents and Carers and Elected Members of the

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<sup>1</sup> School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013; Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers (October 2018).

County Council. The consultation documents (Appendix 1) and responses to the consultation (Appendix 3) are included in the appendices.

- 5.2 There were 5 responses to the survey in relation to Caedmon College, Whitby.
- 5.3 The responses to the consultation were all from parents of children or young people with SEND. One was sent in via email and the other four were via the online survey.
- 5.4 The comments provided were largely very positive about the addition of a targeted mainstream provision at Caedmon College, Whitby. There was only one response that raised a concern.
- 5.5 The one concern raised was in relation to a possible impact on the behaviour of the pupils already attending Caedmon College. The LA recognise this concern, but feel that due to the whole school training that is given to support the targeted mainstream provision it will actually have a positive impact for all pupils as well as those with SEND. The training provided as part of the package of support is rolled out across the whole school which means all students will benefit from the staff CPD offer. In addition it will ensure that those with SEND will be better served in the Whitby area with specific and enhanced provision from the TMP.

## **6 PROPOSAL**

- 6.1 North Yorkshire County Council proposes:

To publish statutory proposals and notices to add provision for Special Educational Needs in the form of Targeted Mainstream Provision at Caedmon College, Whitby from 1 January 2023.

- 6.2 The full details of the draft proposals can be seen attached as Appendix 6.
- 6.3 It is proposed to publish statutory proposals and notices on 29 September 2022 which would provide 4 weeks until 27 October for further representations to be made.

## **7 FINANCIAL IMPLICATIONS**

### **REVENUE**

- 7.1 The financial model for this service has been based on the following assumptions:
  - The new service will operate with 8 place provisions with each provision attracting planned place funding of £6,000 plus per pupil funding allocations where pupils are on roll in the unit, or £4,000 where places are empty at the

point of the census. This guarantees resources of circa £10,000 per place – in line with Special school funding arrangements

- Schools will receive “top-up funding” allocations in line with the assessment of need defined in the individual pupils Education, Health and Care Plans (EHCPs) using the banded funding methodology, introduced in April 2019.
- It is assumed that the “top-up funding” allocations are expenditure that the authority would have incurred regardless of this development because the EHCPs are already in place and funds would follow the child whatever setting / provision they are educated in.
- Start-up costs up to a maximum of £10,000 earmarked for each new provision to cover learning resources, IT Revenue costs and a provision for staff learning and development.

## CAPITAL

7.6 Capital investment will be required to ensure that the space identified for the targeted mainstream provision is fit for purpose. The school has identified their needs within their bids to host the new targeted mainstream provision.

7.7 It is anticipated, from the information provided by school, that the cost of works to adapt and create additional space would be around £20,000. Further work is now being conducted to verify these costs subject to approval from the Executive. This will be funded by the SEND Capital Programme.

## 8 LEGAL IMPLICATIONS

### REGULATIONS AND GUIDANCE

8.1 The consideration and determination of school organisation proposals by the Local Authority is set out in Education & Inspections Act 2006, regulations and in guidance produced by the Department for Education.<sup>2</sup> Careful regard has been had to this provision. The proposals are in accordance with the statutory requirements.

## 9 HUMAN RIGHTS IMPLICATIONS

9.1 There are no Human Rights issues in relation to this issue.

## 10 OTHER IMPLICATIONS

10.1 An Equality Impact Assessment and Climate Change Impact Assessment have been undertaken and reviewed in respect of these proposals and are attached

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<sup>2</sup> See footnote 1.

(Appendix 4 and Appendix 7). The new targeted mainstream provision will provide an increased opportunity for children and young people with EHCPs to remain in mainstream school.

## **11 NEXT STEPS**

- 11.1 It is proposed to publish proposals and the statutory notice on 29 September 2022 (Appendices 5 and 6). The proposals would be published on the County Council's website and the statutory notice would be published in a local newspaper and displayed at the main entrance to the schools. These would provide four weeks for representations to be made to the Local Authority, by 27 October 2022.
- 11.2 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2007. If approval is given to publish statutory proposals and notices, it is proposed that a final decision on these proposals is taken by the Executive on 8 November 2022.

## **12 RECOMMENDATIONS**

- 12.1 To publish statutory proposals and notices on 29 September 2022 to add provision for Special Educational Needs in the form of a Targeted Mainstream Provision (SEN Unit) at Caedmon College, Whitby from 1 January 2023.
- 12.2 That the Executive schedule taking a final decision on this proposal on 8 November 2022.

Stuart Carlton, Corporate Director – Children and Young People's Service

Report prepared by Chris Reynolds, Head of SEND Strategic Planning and Resources

### List of Appendices:

Appendix 1:	Published consultation document
Appendix 2:	List of consultees
Appendix 3:	Responses to the consultation document
Appendix 4:	Equality Impact Assessment
Appendix 5:	Draft Statutory notice
Appendix 6:	Draft Statutory proposals
Appendix 7:	Climate Change Impact Assessment
Appendix 8A:	Consultation meeting presentation
Appendix 8B:	Consultation meeting notes