
Meeting: Executive
Date: 8 December 2009
Subject: Holmemead Middle School – New Autism Spectrum Disorder Provision
Report of: Councillor Mrs Anita Lewis - Portfolio Holder for Children's Services

Summary: The report requests that Executive approve the statutory proposals to establish a new 8 place Autistic Spectrum Disorder (ASD) base at Holmemead Middle school with effect from September 2010.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children Families and Learning
Contact Officer: Roy Waterfield, Assistant Director for Libraries, Leisure, Culture, Adult and Community Learning
Public/Exempt: Public
Wards Affected: Biggleswade, Sandy, Potton, Northill & Blunham, Langford & Henlow Village, Stotfold & Arlesey.
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

The proposals support the Council's priority in terms of Educating, protecting and providing opportunities for children and young people.

Financial:

Capital: The setting up of the provision will require capital investment at the school to ensure that the specialist provision is able to meet needs appropriately. The cost is estimated at £500k which is included in the 2010/11 Capital programme approved in November 2009.

Revenue: The revenue funding for this provision will mainly come from the statementing budget which is allocated annually from Direct Schools Grant (DSG) through the school's Individual Schools Budget (ISB). To ensure continuity of staffing this aspect is annually costed on 8 places, irrespective of the number of children there are in the provision. The annual budget for this provision in 10/11 is approximately £133,000. Actual pupils are funded through Age Weighted Pupil Units (AWPU). The school would also receive an increase in formula capital and school meals against actual pupils, and an increase in floor allowance. These are all paid through the ISB via the formula, based on actual pupils and floor area data.

Legal:

There is a duty on the Council to determine the Statutory Proposals within 2 calendar months of the expiry of the 6 week period for representations; otherwise they must be referred to the Office of the School's Adjudicator for a decision. The end of the 6 week period was 06 November 2009; hence the Council must determine the proposals by 06 January 2010. If approved, there is also then a Legal duty on the Council to implement the proposals and to meet any associated costs.

Risk Management:

The lack of an Executive decision on the proposals would require them to be referred to the school's adjudicator for determination which could delay the setting up of the new provision and result in some pupils being offered alternative placements which would probably be at more expensive "out of area" establishments. There are two Biggleswade children who require a place in such a provision for September 2010.

Staffing (including Trades Unions):

The proposals will mean that additional staff will be required at the school. Full consultation was carried out, including with Trades Unions ahead of the publication of the Statutory Notices.

Equalities/Human Rights:

The proposals will ensure that there is improved local provision for pupils with ASD enabling them to remain within and be educated in their local community rather than being offered "out of area" places. This will also ensure continuity of ASD provision from Lower to Middle School across the East of the Council's area. The new provision will be fully accessible to disabled persons. The new Base provision will also enable outreach work to be undertaken to support other pupils in their local school setting.

Community Safety:

None applicable.

Sustainability:

The new Base will improve the quality of provision for young people in the area and the community as a whole resulting in a reduction in the need to place pupils in "out of area" provision.

Summary of Overview and Scrutiny Comments:

This report has not been subject to consideration by overview and Scrutiny

RECOMMENDATION(S):

That the Executive approve:

- (a) the Statutory Proposals to establish new Autistic Spectrum Disorder (ASD) provision for 8 pupils at Holmemead Middle School, Biggleswade with effect from 1 September 2010.
- (b) the allocation of £500,000 from within the Council's 2010/11 Capital programme to support the capital costs necessary to implement the proposals.

Reason for Recommendation(s): Following the period of Statutory Consultations, there is a need to determine the proposals within 2 months of the end of the consultation period. The proposal will ensure improved provision within the East of the Council's area to meet an identified need for specialist ASD provision.

To ensure that capital funding is in place to support the capital costs associated with the establishment of the new provision.

Background

1. At its meeting on 15 September 2009, Executive considered a report entitled "Transforming Learning in Central Bedfordshire" which contained, inter alia, a report on the need for new Autistic Spectrum Disorder (ASD) provision at Middle School level in the East of the area and resolved "That the update provided on the proposal to provide specialist autistic provision at Holmemead Middle School, as set out in the submitted report, be noted and approval given to the issuing of replacement statutory notices".
2. Statutory Notices were published on 25 September 2009 for a 6 week period for any representations to be made. The period for representations ended on 6 November 2009 and none were received. A copy of the Notice is attached at Appendix A and a copy of the prescribed information relating to the proposal attached at Appendix B

Impact of the proposals

3. These were set out in the September ['Transforming Learning in Central Bedfordshire'](#) report to Executive.

Progress to date

4. Local discussions began on 22 April 2009 and were completed by 27 May 2009, including a public meeting at the school. The Governing Body met at the end of their local consultation to look at the responses and agreed to support the issuing of a statutory notice, the next stage in the process.
5. Work has also been undertaken with the school to identify how best the new provision can be integrated into the school and an early estimate of the anticipated capital cost to support this is £500,000.

Legal framework

6. The Statutory period for representations ended on 6 November and there were no comments or representations.
7. Under the terms of the Education and Inspections Act 2006, the decision maker for this type of proposal is the Local Authority (Council). If the Local Authority fails to decide the proposals within two months of the end of the representation period, it must refer the proposals and any received representations, to the schools adjudicator for a decision.
8. Before judging the respective merits and factors of the proposals, the decision maker must first consider:
 - (a) Is any information missing?
 - (b) Does the published notice comply with statutory requirements?
 - (c) Has the statutory consultation been carried out prior to the publication of the notice?
 - (d) Are the proposals linked or “related” to other published proposals.

In this case, the necessary information is contained within the prescribed information attached as Appendix B, the Notices have been checked for compliance with the DCSF, prior consultation is set out at paragraph 4 above and the proposals are not linked to other published proposals.

9. In considering proposals, the decision maker can decide to:
 - (i) Reject the proposals
 - (ii) Approve the proposals
 - (iii) Approve the proposals with a modification (e.g. modifying the implementation date)
10. Given that the Council has made the proposal to which there are no formal comments or objections and it is not linked to any other proposals, Executive is invited to approve the proposals.
11. If the Notices are approved there is then a statutory legal duty to implement the proposals in full or to publish further proposals to be relieved of the duty to implement previously approved proposals.
If it proves impossible to implement the proposals as approved, the proposers can seek a modification which may be made at any time before the implementation date. The most common modification is to the implementation date.

Conclusion and Next Steps

12. The proposals to provide 8 new ASD places at Holmemead Middle, Biggleswade have reached a stage where a formal decision is required by the Council to decide the proposals or to refer them to the Office of the School's Adjudicator.
13. Executive is therefore invited to approve the proposals set out in the Public Notices issued on 25 September to provide new ASD provision at Holmemead Middle school for the reasons set out in the report.

Appendices:

Appendix A – Statutory Notice – Published 25 September 2009

Appendix B – Prescribed Information

Background Papers:

Executive report – 15 September 2009; “Transforming Learning in Central Bedfordshire”.

Location of papers: Priory House, Chicksands