

Central Bedfordshire Council

EXECUTIVE

7 July 2015

Proposal to Recommission Primary Specialist Provision for Autistic Spectrum Condition in Dunstable

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Key Decision

Purpose of this report

1. To seek Executive support for the commencement of consultation by Ardley Hill Academy for its proposal to establish a new 8 place Primary specialist provision for Autistic Spectrum Condition at Ardley Hill Academy in Dunstable from September 2016.
2. If consultation is supported, the outcome will be reported to the Council's Executive on 12 January 2016 for final approval of the proposal, subject to approval by the Secretary of State, and for commitment to required capital expenditure.
3. The new provision is proposed to serve the Wards of Aspley and Woburn, Heath and Reach, Leighton Buzzard North, Leighton Buzzard South, Linslade, Eaton Bray, Dunstable Northfields, Caddington, Parkside, Houghton Hall, Dunstable Central, Dunstable Watling, Dunstable Icknield, Dunstable Manshead and Tithe Farm.

RECOMMENDATION

1. **Support the commencement of consultation by Ardley Hill Academy for the proposal to establish a new 8 place Primary specialist provision for Autistic Spectrum Condition at Ardley Hill Academy in Dunstable from September 2016.**

Children's Services Overview and Scrutiny

4. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 15 June 2015 and the Committee was asked to indicate its support for the recommendations set out within the report. The views of the Committee will be reported to Executive at its meeting.

Specialist provision for Autistic Spectrum Condition

5. There are currently seven specialist provisions hosted by mainstream schools and Academies in Central Bedfordshire for children with Autistic Spectrum Condition (ASC) whose needs cannot be met within a mainstream school without specialist support and who require specialist provision.
6. These pupils have statements of Special Educational Needs or Education, Health and Care Plans (EHCP) which will specify that they need an environment which is more highly and expertly resourced than the provision normally made in a mainstream classroom setting.
7. Current provision is located at:
 - Ramsey Manor Lower School – 6 place for children 4-9 years of age
 - St Swithuns VC Lower School – 8 place for children 4-9 years of age
 - Biggleswade Academy – 8 place for children 9-13 years of age
 - Arnold Academy – 6 place for children 9-13 years of age
 - Streetfield Middle School - 6 place for children 9-13 years of age
 - Manshead School - 10 place for children 11-18 years of age
 - Samuel Whitbread Academy - 8 place for children 13-18 years of age
8. Admissions to this specialist provision are agreed through Children's Services which consults the host school prior to admission. This is the case for all pupils with statements of special educational need or EHCP where the authority intends to name the specialist provision at the school on the statement .
9. The core revenue funding for this specialist provision is provided by the High Needs Block, part of the Dedicated Schools Grant (DSG) , to each school's Individual Schools Budget (ISB).
10. To ensure continuity of specialist staffing this aspect is funded annually based on the number of commissioned places funded at £10k per place plus full top-up weighted to the age of the pupils in the provision, irrespective of the number of children actually present within the provision.

11. Host schools also receive a proportional increase in funding of devolved formula capital and where eligible, universal infant free school meals against actual pupils on roll.

New Primary specialist provision for Autistic Spectrum Condition in Dunstable

12. The 6 place specialist provision at Streetfield Middle School currently serves the middle school age range of 9-13 years but will close, along with the main school in August 2016. The adjacent Manshead School also has specialist provision for ASC but now serves a Secondary age range of 11-18.
13. As a result, and also in order to meet a forecast increase in need for specialist provision for autistic spectrum condition as a result of demographic growth in the Dunstable, Caddington, Houghton Regis and Leighton/Linslade area, the Council must commission a new 8 place provision to serve the Primary School age range of 4-11 years of age to serve the area.
14. A desktop exercise was conducted by the Council to review all Primary Schools in the Dunstable and Houghton Regis area to identify potential providers from whom to commission the new provision. The desktop evaluation considered:
 - Those schools and Academies currently judged by Ofsted as Good or Outstanding with strength in leadership and governance to provide confidence in the strength and capacity to manage the new provision
 - Those with school sites that are capable of expansion in line with DfE Guidance, if additional building is necessary
 - Those located in the proximity of the current provision at Streetfield Middle School and;
 - Those that already make good provision for children with special educational needs
15. As a result, in March 2015 three schools were invited to consider hosting the proposed specialist provision and to submit an expression of interest. 2 schools submitted an expression of interest and had meetings with Senior Council Officers to discuss the proposal. Of those schools only Ardley Hill Academy submitted a business case for consideration.
16. Ardley Hill Lower School converted as an Academy on 1 June 2012 and changed its age range with approval of the Secretary of State to become a Primary School from September 2014. The predecessor school was judged as Good by Ofsted at its last inspection in October 2011.

17. A map showing the location of the Academy in Dunstable is attached as Appendix 1 to this report.
18. The Academy has now completed a self assessment framework for school provision for children with Autistic Spectrum condition and this has been moderated by Chiltern Special School. The purpose of the self evaluation is to determine the likely quality of the new provision under the leadership and governance of the Academy.
19. The Academy has subsequently been interviewed by senior officers in Children's Services and a member of Central Bedfordshire's Parent/Carer Forum (SNAP) Its initial business case has provided sufficient evidence to justify the Council's support for commencement of consultation by the Academy with stakeholders and other interested parties.

Making significant changes to an existing Academy

20. Whereas the Local Authority is able to legally propose, consult and determine a proposal to establish a new SEN provision at a mainstream maintained school, it is unable to do so at an Academy, although it remains the commissioner of those places and responsible for any capital funding required.
21. Making significant changes of this nature to existing Academies is only possible if the Academy Trust wishes to make the change to their existing arrangements.
22. A change affecting reserved provision for pupils with special educational needs at an Academy is deemed 'significant' by the Department for Education and requires a consultation to be conducted with a range of stakeholders, as set out in the DfE Guidance: 'Making significant changes to an existing academy' published in January 2014. A significant stakeholder would be the area Local Authority.
23. This consultation is required to run for a minimum of four weeks and it is required to take timing into account to maximise the response to the consultation, including attendance at public meetings, consulting during term time rather than school holidays. The 2014 DfE Guidance provides a list of suggested stakeholders who should be consulted. A condition of funding from future capital funds will be that the Academy has conducted a consultation and that responses have been taken into account and that consents required have been given.

24. A formal business case is subsequently required to be prepared by the Academy and submitted to the Education Funding Agency for approval by the Secretary of State. This must include indicative costings and a proposal as to how these might be met. This business case will also be reported to the Council's Executive on 12 January 2016 for final approval of the proposal, subject to approval by the Secretary of State, for implementation on 1 September 2016.

Reason for decision

25. The proposal to establish new specialist ASC provision at Ardley Hill Academy complies with the 2014 DfE Guidance for making significant changes to an existing Academy and the proposal ensures that the Council continues to meet its statutory obligations to secure sufficient school places for children with special educational needs.

Council Priorities

26. The report supports Central Bedfordshire's Medium Term Plan: Delivering your priorities – Our Plan for Central Bedfordshire 2012-2016 and the specific priority of Improved Educational Attainment.

Legal Implications

27. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient primary and secondary school places to provide appropriate education for pupils of statutory school age in its area and to have specific regard to the need to secure SEN provision for those children who have special educational needs.
28. The Department for Education Guidance referred to above was published in January 2014 for Academies wishing to make significant changes. The Guidance can be viewed at:
<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
29. Academy Trusts are to exercise their own judgments in deciding whether a change is significant. It is anticipated that the current proposal for the establishment of a new 8 place Primary specialist provision for Autistic Spectrum Condition at Ardley Hill Academy would come within the definition of 'significant change' as set out by 2014 DfE Guidance.
30. The process, which is described in detail above (paragraphs 20-24), is overseen by the Education Funding Agency on behalf of the DfE and requires an Academy to undertake consultation, to obtain consent of the Secretary of State and to secure any capital required by the proposal before implementation.

31. The business case submitted to the Education Funding Agency must be rigorous enough for a decision to be made on whether the change is necessary. Details of minimum content are set out in the 2014 DfE Guidance.

Financial Implications

32. A feasibility study is to be commissioned to determine the capital implications arising as a result of the proposals set out in this report. It is anticipated that the proposal will require additional accommodation to be provided on the school site but the Academy has also indicated an ambition to address a number of its separate needs for accommodation and is willing to consider a capital contribution to those additional requirements.
33. The outcome of the feasibility study and capital implications will be reported to the Council's Executive on 12 January 2016. A separate report is to be made to the Council's Executive before the end of the current year, outlining an intention to establish a Special Educational Needs and Disabilities capital programme which is proposed to be funded through direct revenue financing from dedicated schools grant allocated from the High Needs Block. It is therefore anticipated that the project will be fully funded and there will be no capital implications for the Council arising from this proposal.
34. The methodology for allocation of revenue funding to support specialist provision has been outlined earlier in this report but this proposal will be subject to a financial due diligence exercise undertaken by the Academy, supported by its own Human Resources and Financial advisors.

Equalities Implications

35. The DfE guidance for making significant changes to an existing Academy is clear that Academy Trusts should always discharge their public sector equality duty in proposing any changes.
36. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
37. This statutory duty includes requirements to:
 - i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.

- iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 38. As proposer of the establishment of the new specialist autistic spectrum condition provision the Academy Trust has considered that there are no race or disability discrimination issues that arise from the change being proposed.
- 39. The proposals will ensure that there is improved local provision for pupils with ASC enabling them to remain within and be educated in their local community rather than being offered “out of area” places.
- 40. This will also ensure continuity of ASC provision from Primary to Secondary across the Dunstable and Houghton Regis area. The new provision will be fully accessible to disabled students and the provision will also enable outreach work to be undertaken to support other pupils in their local school setting.

Risk Management

- 41. The proposal to establish the new ASC provision mitigates the risk on the Council of failing in its statutory duty to secure sufficient SEN provision for those children who have special educational needs.
- 42. Key risks mitigated by these proposals include:
 - Failure to discharge legal and statutory duties/guidance.
 - Failure to deliver the Council's strategic priorities
 - Reputational risks associated with the non delivery of required SEN school places.

Staffing (including Trades Unions)

- 43. Staff and Trades Unions are consulted on all school organisation proposals related to changes to schools and Academies as part of the informal and statutory process required by regulations and DfE guidance.
- 44. The Academy will continue to have the support of its commissioned H.R. Provider where the proposal requires changes in school staff structures or to terms and conditions of employment. The Council's Schools Statutory H.R. Team will lead TUPE consultations with existing specialist staff at Streetfield Middle School who are expected to transfer to the new provision, if the proposal is approved.

Appendices

The following Appendix is attached

Appendix 1 – Map showing location of Ardley Hill Academy in Dunstable