



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Children, Young People and Education
LEAD OFFICERS:	Strategic Director of Children & Education (DCS)
DATE:	<u>03 January 2024</u> 02 January 2024

PORTFOLIO/S AFFECTED: Children, Young People and Education

WARD/S AFFECTED: Blackburn South East;

SUBJECT: Proposed addition of an SEN unit at Shadsworth Infant School

1. EXECUTIVE SUMMARY

Proposal to increase the overall capacity of school places in the borough for pupils with special educational needs and disabilities through the addition of an SEN Unit at Shadsworth Infant School.

2. RECOMMENDATIONS

That the Executive Member:

Approves the addition of a SEN Unit at Shadsworth Infants School, commencing Spring 2024.

3. BACKGROUND

It is the duty of the Local Authority to ensure sufficient school places for all children and young people, including those with SEND who may need additional support or more specialist provision. Blackburn with Darwen's pupil place modelling informs a current and predicted future shortfall of places in resourced provisions, special schools, and alternative provision schools. Locally and nationally the number of students with an EHCP is on the rise and the need for special school places is increasing.

There is a rising demand for SEND places across the borough which, along with an increase in housing growth, would put additional pressure on SEND places within the locality of the school and across the Blackburn with Darwen Authority.

Most students with special educational needs and/or disabilities can generally be supported in mainstream schools, however a number of students are unable to access the National Curriculum at age related expectations and for those pupils a SEN Unit can provide a full, broad and balanced education in an environment that is more suited to their needs.

Following feasibility studies in 2020, and subsequent Executive Board approval (Sept 2020) capital funds for the provision of specialist places for children aged 4 – 11 years was agreed to be spent at Shadsworth Infant School in the form of an extension to the school to provide for up to a maximum of 20 specialist places.

Shadsworth Infant School currently operates as a 3 to 7 year old intake nursery and infant school. This means that the school admits children from nursery age until they reach junior school age. The addition of a SEN Unit would have no detrimental impact on admissions to the school's nursery and/or reception class.

Admission to a SEN unit is via a request from the Local Authorities statutory assessment team (as the Admissions Authority), and includes consideration of transport should a child not live within reasonable distance to the school, and the school is considered to be the next nearest suitable school.

Blackburn with Darwen as the Admissions Authority for Shadsworth Infant School are required to undertake statutory processes to make an addition of a SEN Unit at the school. The Local Authority carried out a pre-statutory publication consultation from 18th April 2023 to 5th June 2023. Following this, as prescribed in statutory guidance, the Local Authority published their statutory proposal to establish this new SEN provision (Appendix 1). After publication, the local authority is required to undertake a 4-week period of formal consultation ("the representation period"). The Local Authority consulted for 4 working weeks from 9 October to 3 November 2023 (Appendices 1, 2 and 3). The Local Authority is now required to decide that proposal within 2 months of the end of the Representation period. If a decision is not made within that timescale, then the Local Authority is required to refer the proposal to the Schools Adjudicator.

4. KEY ISSUES & RISKS

If a decision to create a SEN Unit at Shadsworth Infant School is agreed and approved the arrangements would be introduced from Spring 2024 onwards.

Places in the SEN Unit will not negatively impact on the Infant Schools Published Admissions Number, or on normal round/in-year infant school admissions. Staff currently employed to work at Shadsworth Infant School will not be adversely affected.

Whilst the age range of the SEN Unit will be for pupils of primary school age (aged 4 – 11 years), this age range will only apply to the SEN Unit only and the Infant School age range will remain at being for pupils aged 4 – 7 years.

The creation of a SEN Unit at Shadsworth Infant School will not have a detrimental effect on other local infant, primary and junior schools. In relation to the impact on other resourced provisions, special schools, and pupil referral units, it would positively impact as it would decrease place pressure in those establishments.

The Local Authority operates a family information service called the local offer, which provides advice and guidance for families about supporting children and young people with special educational needs and disabilities aged 0-25 and their families. If approved, the SEN Unit will be included within the information available to families online.

Not increasing the capacity of SEN provision in Blackburn with Darwen will mean the Local Authority purchasing more places out of borough which are typically more costly and mean that pupils are spending large amounts of time travelling to and from school. Alternatively, more pupils may need to stay on the roll at a mainstream school, which may not be conducive to their learning and developmental needs.

5. POLICY IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

Each place within the SEN Unit is commissioned and funded by Blackburn with Darwen Borough Council. The estimated cost is £56,000 for the financial year 2023/2024, going forward commissioned places will be funded at £10,000 per pupil. The total cost per financial year of the commission will be dependent upon the number of places filled, up to a maximum of 20 places.

This is to be funded from the High Needs DSG and will prevent children being placed out of borough at a higher cost to the local authority.

Typical costs for a placement in a SEN Unit that is within Blackburn with Darwen is less than that of an out of borough SEN Unit placement.

7. LEGAL IMPLICATIONS

Section 27 of the Children and Families Act 2014 places a statutory duty on Local Authorities to keep under review, the educational provision, training provision and social care made in its area for children and young people who have special educational needs or a disability. The current position advises that there is a need for more places in SEND provisions to meet the rising demand.

Under the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations) Regulations 2007 and 2013, establishment of provision reserved for children with special educational needs (i.e. this proposed unit) is a prescribed alteration, which can only be made by following the required 5 stage statutory process as set out in legislation and the statutory guidance, "Making significant changes (prescribed alterations) to maintained schools, January 2023". The steps of the process taken by the Local Authority up to this point are summarised above, and as noted, the Local Authority must now ensure that the decision is made on this proposal before 3 January 2025 (i.e. 2 months from the end of the representation period), and then implement the decision as set out in the statutory proposal.

(NB - In respect of a proposal of this nature, the legislation permits the Blackburn Diocesan Board of Education and the RC Bishop of Salford to refer the LA's decision to the Schools Adjudicator within 4 weeks of the LA decision being made. Should a referral be made, the LA will forward the proposal and representations received to the Schools Adjudicator who will then determine the proposal. It is not anticipated that either Blackburn or Salford Diocese will make such a referral in this case).

8. RESOURCE IMPLICATIONS

This will be met by existing internal resource at the school.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

The "Making significant changes ('prescribed alterations') to maintained schools guidance, January 2023" informs that Blackburn with Darwen as the Admissions Authority for Shadsworth Infant School were required to undertake a statutory representation period of formal consultation. (This was done in addition to a consultation in the summer prior to publication of the statutory proposal to make an addition of an SEN Unit at the school). The Local Authority formally consulted on the published statutory proposal from 9th October 2023 to 3rd November 2023 (Appendices 1 & 2). Results of this consultation are included in the detailed consultation analysis (Appendix 3).

Overall, the Local Authority received three responses for this consultation. Two of the responses supported the proposal, no one had a view either way. There was one response against the proposal, as they felt that there needed to be larger schools for EHCP pupils from 3 – 18 years. However, by creating the SEN Unit at Shadsworth, this is creating places for EHCP pupils. The overall consensus from the pre-statutory publication and the statutory representation is in support of the SEN Unit at Shadsworth Infant School.

Section 24 of the Children and Families Act 2014 states that the "Local Authority has responsibility of a child or young person if he or she is in the authority's area and has been (a) identified by the authority as someone who has or have special educational needs". The SEN Unit at Shadsworth Infant School, would help to ensure that there is more supply of places for children with SEND needs within the borough and helping facilitate their access to education.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

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CONTACT OFFICER:	Sarah Anderson, Carol Grimshaw, Sara Malone
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BACKGROUND PAPER:	Appendix 1: Statutory Proposal Appendix 2: Consulting List – Stakeholders who were informed of the consultation. Appendix 3: Consultation Analysis Form
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