Manchester City Council Report for Resolution

Report to: Children and Young People Scrutiny Committee – 19 July 2016

Executive – 27 July 2016

Subject: Development of additional SEN provision at Broad Oak Primary

School

Report of: Director of Education and Skills

Summary:

This report outlines a proposed organisational change to increase the number of specialist places for children with social, emotional and mental health needs in Manchester. This provision is part of a much wider offer of specialist provision within the city which covers inclusive mainstream schooling, mainstream schooling with support, resourced mainstream schools and a range of special school provision for children and young people with different types of need. These changes will enhance existing provision and ensure that there is a sufficient supply of places in specialist provision in this area of need.

Recommendations:

The Young People and Children Scrutiny Committee is asked to note this report and comment on the proposal as appropriate.

Executive is asked to note the report and agree to making a prescribed alteration to Broad Oak Primary School to designate the school as resourced mainstream provision for children with social, emotional and mental health needs.

Wards Affected: Didsbury East and other wards on south area of the city

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	The increase in pupil numbers across the City requires additional primary, secondary, special school places. This involves capital investment in new buildings and in modifying existing buildings, which creates employment in construction and other associated building enterprises. Additional school places also require extra staffing which creates jobs and opportunities for residents.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Ensuring a sufficient supply of school places across the continuum of provision ensures that children with wide ranging needs access appropriate education and can achieve their potential and

	contribute to the city's economic success.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Regular attendance at high quality schools helps all children and young people to develop appropriate social skills, self respect and respect for others.
A liveable and low carbon city: a destination of choice to live, visit, work	Access to good and effective schools providing a high quality education is central to the Council's strategy of developing sustainable neighbourhoods, to make Manchester increasingly attractive to economically active people as a place to work, live and bring up children.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

The Local Authority has been allocated £65m budget from the Dedicated Schools Grant (DSG) on education provision for children and young people with high levels of Special Educational Need and Disability (SEND). This now includes young people with SEND up to the age of 25. The vast majority of this budget is allocated to schools, colleges and specialist providers to make provision for children and young people with high levels of SEND. The additional SEN places outlined in this paper would be funded from this budget and this has been included in budget planning. The additional revenue funding for this provision will be £105,000 per year based on 7 places at £15,000. Additional funding of £60,000 from this grant has also been provided to the school to enable them to make some modifications to the school to create extra facilities to accommodate the needs of these children.

Financial Consequences - Capital

There are no capital consequences to this proposal.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

The following report was provided to the Director of Education and Skills requesting permission under his delegated authority to begin consulting on proposals in relation to provision for children with special educational needs /disability

- Establishing SEMH Provision at Broad Oak Primary School 16th February 2016
- DFE: Statutory Guidance: Making prescribed alterations to maintained schools April 2016

1.0 Introduction

- 1.1 Manchester local authority offers a wide range of specialist services and provision for children and young people with special educational needs or disability (SEND) within the city which includes inclusive mainstream schooling, mainstream schooling with support, resourced mainstream schools and a range of special school provision for children and young people with different types of need. The range of specialist services to support children and young people with SEND and the numbers and type of specialist places provided in the city are continually under review to ensure that there is a sufficient supply of places to meet demand.
- 1.2 This report outlines a proposed prescribed alteration to Broad Oak Primary School in Didsbury so that the school can provide additional specialist places for children with social emotional and mental health needs (SEMH). This will provide an additional 7 specialist places for children with this need based in a mainstream school.

2.0 Background

- 2.1 The Special Educational Needs and Disability Code of Practice published in 2015 states that Local Authorities must keep their educational and training provision under review including sufficiency of that provision. When considering any reorganisation of SEN provision, decision makers must make clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality or range of educational provisions for children with SEND.
- 2.2 There has been a significant growth since 2008, in school population. As a result of higher pupil numbers across the city, demand for special school places has also increased although the proportion of children attending a special school in the city has remained consistent at 1.6% since 2011. This growth in children with high levels of SEN is also evidenced by a significant increase in the number of children meeting the threshold for Education, Health and Care plans. In May 2016, there were 442 more children and young people with statements/EHC plans than in May 2015. Since January 2016, the number of children who met the threshold for statutory assessment is 193, compared to 222 for the entire year in 2015.
- 2.3 To date the growth in specialist places has been achieved through expansions of special schools (created as a result of 2 primary phase new builds), an extension of The Birches Primary, temporary units and creative use of existing space in schools and also the development of additional specialist resourced provisions in both mainstream primary and secondary schools. A Special Free School for secondary age pupils will also open in September 2016. Future projections show that the school population will continue to rise and therefore, it is to be expected, so will the demand for school places including specialist provision. This is reflected in recent announcements of Basic Need Capital funding, where Manchester received the highest allocation in the country.

2.4 Revenue funding for specialist education services, special school places, alternative provision and funding for children with Education and Health Care plans attending mainstream provision is funded through the High Needs Block of the Dedicated Schools Grant. This block is £65m and not currently directly linked to increased numbers of pupils (unlike the block of funding for mainstream schools which is linked to growth in pupil numbers). The additional places proposed in the report have been budgeted for within the high needs allocation. Nevertheless, going forward it will become a challenge to fund the future additional specialist places required in the city if this funding does not reflect population growth and some of the services currently funded through this grant may need to be reduced.

3.0 Prescribed Alteration to Broad Oak Primary School

- 3.1 Manchester City Council is proposing to designate Broad Oak Primary School as a specialist resourced primary school for children with Social Emotional and Mental Health needs (SEMH). Currently, there is a similar type of mainstream resourced provision at Bowker Vale Primary School in the north of the city (Blackley). This has been very effective and is continually over subscribed. Bowker Vale Primary School staff, pupils and parents have experienced significant benefits since their resourced provision opened in 2011. The specialist staff are able to offer additional support and training across the whole school; children in the resourced provision increase their self esteem and have high aspirations; their parents are helped to understand their children's behaviour and how best to support them; the expertise of the resourced provision staff helps some children maintain their placement in the main school and children in the school make at least expected levels of academic progress.
- 3.2 The creation of similar provision in the south of the city will enable families in the area to access resourced provision for children with SEMH needs within their community and reduce travel time to other provision.
- 3.3 Broad Oak School is located on Broad Oak Lane in the ward of Didsbury East and offers 3 forms of primary provision which totals 630 places across the 4-11 age groups. The proposed alteration will seek agreement to establish 7 places in addition to the existing capacity for children with SEMH needs.
- 3.4 The specialist places at the school would be in addition to the existing pupil admission number (PAN) and will be accessed only by pupils who have an Education, Health and Care plan. All children accessing the provision will be on the roll of Broad Oak Primary School.
- 3.5 The school will have a designated base to provide them with accommodation capacity for additional numbers of pupils with higher levels of need. This base will be integral to the school and will provide additional facilities so that the children can be taught in small groups according to their need and have access to a quiet space or nurture room. Funding to develop these facilities will come from the high needs block as a one off payment to the school.

- 3.6 Children in the provision will be supported by a specialist teacher and two specialist teaching assistants. The specialist staff would be appointed by the governing body of Broad Oak.
- 3.7 The specialist provision would be integral to the operation of each school and, as a result, would be managed by the head teacher, governors and the senior leadership team. The specialist provision would principally be for identified pupils with SEMH. However, there would be sufficient flexibility to support other pupils on roll in the designated school who may have lesser needs.
- 3.8 The amount of time each pupil spends with their mainstream peers for lessons and recreation will depend on the needs of the individual. Some pupils will need to be taught individually or in small groups for parts of the school day but may be able to access some of the curriculum with their peers. Arrangements will need to be flexible to reflect educational needs and social needs, anxiety levels and personal circumstances.
- 3.9 The quality of provision will be managed through a contractual arrangement between the Council and School ensuring quality is managed to the appropriate standards and delivers the expected outcomes.
- 3.10 Establishing SEN provision at a maintained school is considered to be a significant change requiring a prescribed alteration. The process is mandated by the process outlined in DFE statutory guidance: Making prescribed alterations to maintained schools April 2016.

4.0 Consultation

4.1 As part of this process consultation started on 17th May 2016 and closed on 14th June 2016. The list of consultees who received a letter about the proposed changes is included in appendix A. Consultation also included a series of face to face meetings with parents of children who attend Broad Oak School and staff.

5.0 Outcomes of Consultation

- Broad Oak Governors voted unanimously to apply for a prescribed alteration to the school.
- All the parents attending the consultation event at the school were positive about the proposals. Questions centred on access to the mainstream school for the 7 resourced provision pupils and access for mainstream pupils to specialist support.
- The local authority received an email response from a parent who was positive about the proposal but requesting more information about the prescribed alteration. She wanted to know about whether staff, including teaching assistants and lunchtime organisers would receive training and whether the school would have to fund this. She also wanted to know what effect any future change to academy status might have on the resourced provision. She

was satisfied with the information provided which explained that all school staff would access training and the school have received funding for this from the Local Authority. Also there are a number of resourced schools in the city which have converted to academy status and this has not impacted on the arrangements for resourced provision as the Local Authority is the commissioner of these additional places.

- Staff are very positive about the school being able to offer more specialist provision. They are enthusiastic about the comprehensive programme of training that will be delivered so they can develop their skills to meet the needs of children with high levels of social, emotional and mental health needs.
- No responses have been received which disagree with the proposals.

6.0 Recommendation

6.1 Executive are recommended to agree to making a prescribed alteration to Broad Oak Primary School to designate the school as resourced mainstream provision for children with social emotional and mental health difficulties.

7.0 Key Policies and Considerations

(a) Equal Opportunities

7.1 An equality impact assessment has been completed for these changes. It is attached as appendix B.

8.0 Conclusion

8.1 This proposal has followed the statutory process set out by the Department for Education for making a prescribed change to a school. Consultation has generated overwhelming support for the proposal and there is sufficient demand in the city for these places.

Appendix A – Statutory consultation process and list of consultees

Establishing SEN provision at a maintained school is considered to be a significant change requiring a prescribed alteration as described in Making a prescribed alteration to a maintained school: statutory guidance for proposers and decision makers published by the Department for Education in April 2016. The process is therefore mandated by the statutory process as follows:

Stage 1	Publication	Statutory proposal published – 1 day
Stage 2	Representation	Must be 4 weeks, as prescribed in
		regulations
Stage 3	Decision	The decision-makers (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to the Schools Adjudicator (OSA) Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision maker.

Although there is no longer a prescribed "pre-publication" consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take in to account all relevant considerations.

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all and be in plain English. It is anticipated that this report will be the proposal on which comments can be made.

List of people/organisations consulted regarding Broad Oak prescribed alteration

- Parents of children at Broad Oak Primary School
- All schools in Manchester
- Local Councillors
- Local MPs
- Trade Unions
- The Citywide Clinical Commissioning Group
- CAMHS
- CMFT
- All Greater Manchester local authorities

In addition a notice was published in the Manchester Evening News and notices posted on the school website and at their entrance

Appendix B: Demonstrating Outcomes of Equality Analysis

EQUALITY IMPACT ASSESSMENT

1. Directorate	Children and Families	2. Section	Education Strategy Access and Inclusion	3. Name of the function being assessed	Prescribed Alteration - Broad Oak Resourced Provision
4. Is this a new or existing function?	New	5. Officer responsible for the assessment	Julie Hicklin	6. Lead manager responsible for the assessment	Amanda Corcoran
7. Date assessment commenced	March 2016	8. Date of completion	June 2016	9. Date passed to BIP Equality Team	

Summary of Relevance Assessment

1.	Has a Stage 1 Equality Analysis: Relevance Assessment document been completed?
	Yes Date of assessment:
	No X Please refer to 2.2 in the guidance above.
2.	Please indicate which protected characteristics the relevance assessment identified as relevant to the function that is being assessed (tick below):
	Age X Disability X Race X Gender (inc. Gender Reassignment, Pregnancy and Maternity) X
	Sexual Orientation Religion or Belief (or lack of religion or belief) Marriage or Civil Partnership
3.	Please indicate which aims of the equality duty the relevance assessment identified as relevant to the function being assessed (tick below):
	Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
X	Advance equality of opportunity between those who share a protected characteristic and those who do not
,	Foster good relations between people who share a protected characteristic and those who do not

Equality Impact Assessment Template

1. About your function

Briefly describe the key delivery objectives of the function being assessed	A consultation is taking place on a proposed prescribed alteration to Broad Oak Primary School to provide additional educational provision within the school for 7 primary age pupils with Education, Health and Care plans or statements of SEN for social emotional and mental health difficulties (SEMH). The school will receive additional funding to provide appropriate staffing/accommodation / resources for these pupils.
What are the desired outcomes from this function?	Children with social emotional and mental health difficulties will be fully equipped to lead fulfilling independent lives because they have: • reached their full potential academically and have made expected levels progress across each key stage; • good self esteem and high expectations of themselves; • developed their ability to learn independently; • developed their social communication skills and confidence; • played a full part in their local and school community; • developed their resilience through an increased awareness of their strengths, their needs and how to work around their difficulties.

2. About your customer

Do you currently monitor the function by the following protected characteristics?	Protected Characteristics	Y/N	If no, please explain why this is the case and / or note how you will prioritise gathering this equality data
	Race	Υ	The ethnicity of pupils is recorded in the School Census and aggregated data is published by the LA

Gender (inc. gender reassignment, pregnancy and maternity)	Υ	PRI team. Only 1.95% recorded as unknown in spring 2016. The information is also recorded on the LA education One system on individual pupil records. The gender of pupils is recorded in the School Census and aggregated data is published by the LA PRI team. The information is also recorded on the LA education
Disability	Y	One system on individual pupil records. Pupils' Special Educational Need and/or Disability is recorded on the School Census. There are 2 levels of SEND need – SEN Support (12.3% across the city) and EHC plan (2.8% of pupils across the city). The type of SEND is also recorded. The information is also recorded on the LA education One system on individual pupil records. This EIA is specifically concerned with pupils who have an EHC plan for Social, Emotional and Mental Health Difficulties (SEMH).
Sexuality	N	This information is not routinely recorded. If it was important to an individual child that the school and local authority needed to take account of their sexuality, the support required would be recorded in their individual record and plan.
Age	Y	Pupils' age is recorded on the School Census and aggregated data is published by the LA PRI team The information is also recorded on the LA education One system on individual pupil records.
Religion or belief (or lack of religion or belief)	N	This information is recorded by the school, but not used for monitoring purposes.
Marriage or civil	N	This information is not relevant due to the age of the

	partnership	pupils concerned (4-11) The marital / civil partnership status of the pupils' parents/carers is not routinely monitored.
4. What information has been analysed to inform the content		
of this EIA?	School census 2015 and MCC Children in Manche	
Please include details of any data compiled by the service, any research that has been undertaken, any engagement that was carried out etc.	Draft JSNA – children and disabilities Discussions with teachers	ster PRI 2015 If young people with special educational needs and seleading similar provisions Oak governors, staff and parents

3. Delivery of a customer focused function

Does your analysis indicate a	Y N				
disproportionate impact relating	X				
to race?					
Please describe the nature of any					
disproportionate impact/s	The 2015-16 Schoo	l Census repo	ort shows the e	thnicity profile	of children and young people
	aged 0-16 in Manchester is:				
Please indicate what actions will	White	43.91%			
be taken to address these	Black	16.35%			
be taken to address these	Chinese	1.09%			
	Dual Heritage	8.22%			
	Asian Other Ethnic Group	21.78%			
	Unknown	6.67% 1.95%			
	Olikilowii	1.9576			
	The ethnicity profile			<u>.</u>	2016 Manchester is:
	SEN EHC plan / Total				
		support	Statement		
		level %	%		
	White	50.1	9.9	60	
	Black	12.6	1.6	14.2	_
	Chinese	0.1	0	0.1	
	Dual heritage	10.7	2	10.9	
	Asian	7.3	0.4	7.7	
	Other ethnic group		0.1	2.6	_
	Unknown	2.5	0.7	3.2]
	The data show that	White childre	n and children	of dual heritaç	ge are over represented in the

	percentages of children with a primary need of social emotional and mental health difficulties.					
	All other groups are under represented with reference to their proportion in the general primary school population.					
	The reasons for this are not currently known – whether this is because of over / under identification in certain ethnic groups, lower prevalence or other reasons.					
	The new provision will monitor the ethnicity of their intake and ensure it is generally in line with the proportions of children in Manchester (and in particular in the local area) with SEMH. As children of non-white ethnicity are likely to be in the minority – the provision will need to ensure when planning their curriculum/support/communications that they assess and meet the needs of the individual children and the needs of their parents.					
	The new provision should not have an overall disproportionate impact relating to race as children will be offered places in the provision according to their individual need.					
Which action plans have these actions been transferred to?	Further research into reasons for differences in prevalence of SEMH in different ethnicities.					
	V I N					
Does your analysis indicate a disproportionate impact relating to disability ?	X N					
Please describe the nature of any disproportionate impact/s	The 2015-16 school census data show that of the pupils in Manchester schools who have an identified special educational need or disability (SEND) 19.8% have a social, emotional or mental health need (SEMH). This is the second largest identified need after moderate					
Please indicate what actions will be taken to address these	learning difficulties. The percentage of pupils with Education, Health and Care plans with a primary need of SEMH was 19% in 2015. This is the third largest type of need after autism and severe learning difficulties.					
	The legislation in part 3 of the Children and Families Act is clear that wherever possible					

children and young people with SEND should be taught in mainstream settings. Manchester continues with its commitment to develop a continuum of provision for pupils with SEND to reflect their needs, allowing the highest level of access to mainstream environments, where this is appropriate. A well-developed and resourced continuum of provision provides children and young people and their parents/carers with greater choice in their education.

The continuum of provision in Manchester includes:

- mainstream provision with or without support
- specialist resourced mainstream provision the city currently has 13 mainstream school resourced to meet higher level of SEN. Currently there is 1 resourced primary for SEMH in north Manchester.
- access to highly specialist provision the city currently has 11 special school with 1 new one planned and a significant expansion of an existing one planned for Sept 2016
- access to residential specialist provision where appropriate –the city has 1 residential school

This continuum of provision ensures that the majority of children and young people with SEND can have their needs met in their local community. Manchester has seen a significant increase in its school age population since 2008 and one of the challenges has been to maintain a sufficient supply of school places including specialist school places in order to meet demand. This proposed provision adds to the supply of specialist resourced provision places and will be the first provision in south Manchester.

The experience of pupils at the existing SEMH resource provision (Bowker Vale) has been very positive – they achieve 2 levels of progress, they have high aspirations, they learn how to communicate their support needs and understand that their SEND is not an excuse for poor behaviour.

There will be a positive impact for pupils with SEMH as they will be able to have their needs met within a mainstream environment that is closer to home than the current alternatives.

Other children in the mainstream school who have SEMH difficulties will also benefit from the

	expertis	se of the s	specialist staff in the resource provision.
Which action plans have these actions been transferred to?	SEND	team action	on plan – 3 year specialist place planning
Does your analysis indicate a	Υ	N	
disproportionate impact relating		N	
to Gender (including gender reassignment or pregnancy and			
maternity)?			
Please describe the nature of any			census shows that of the 368 children in Manchester primary schools with a C plan for SEMH, 9.24% are girls and 90.76% are boys.
disproportionate impact/s	This me	eans that	all or the majority of the 7 places in the resourced provision are likely to be
Please indicate what actions will		y boys. Svision wil	I need to ensure that the needs of any girls in the provision are catered for.
be taken to address these	The mi	tigation wi	ill be that the provision is sited within a co-educational mainstream primary
			female pupils in the resourced provision are likely to be in the minority, they gnificant minority within the school as a whole.
			a significant disproportionate impact in relation to gender.
Which action plans have these			
actions been transferred to?			

Does your analysis indicate a	Υ	N			
disproportionate impact relating to age ?	X				
Please describe the nature of any disproportionate impact/s			n in this new provision will be of primary age (4-11). roportionate impact anticipated.		
Please indicate what actions will be taken to address these					
Which action plans have these actions been transferred to?					
	\ <u>\</u>	_ N.I			
Does your analysis indicate a disproportionate impact relating to sexual orientation?	Y	X			
Please describe the nature of any disproportionate impact/s	Places in specialist resourced primary schools are provided to meet the assessed needs of the disabled child. Their needs and the provision required to meet them are set out in an Education, Health and Care plan. As the EHC plan is an individualised plan, it will take				
Please indicate what actions will be taken to address these	account of all of the child's needs, so it is very unlikely there would be any disproportionate impact relating to sexual orientation.				
Which action plans have these actions been transferred to?					

Does your analysis indicate a	Υ	N	
disproportionate impact relating		Х	
to religion and belief (including			
lack of religion or belief)?			
Please describe the nature of any disproportionate impact/s Please indicate what actions will be taken to address these	the disa Educat accoun	abled child ion, Healt nt of all of t	list resourced primary schools are provided to meet the assessed needs of d. Their needs and the provision required to meet them are set out in an h and Care plan. As the EHC plan is an individualised plan, it will take the child's needs, so it is very unlikely there would be any disproportionate o religion or belief.
Which action plans have these actions been transferred to?			
Does your analysis indicate the	Υ	N	
potential to cause discrimination in relation to marriage and civil partnership?		X	
Please describe the nature of any disproportionate impact/s		_	f the children affected by these proposals, there will be no impact in relation vil partnership.
Please indicate what actions will be taken to address these			

Which action plans have these actions been transferred to?					
Does your analysis indicate a	Υ	N			
disproportionate impact relating to carers ?	Y				
Please describe the nature of any disproportionate impact/s	resourc Manche	ed provisionstering provisions and setting the setting provised the sett	sitive impact for parents/carers of children with SEMH. The only other on for SEMH is in north Manchester, so for families living in south proposal will provide specialist education within a mainstream setting		
Please indicate what actions will be taken to address these	nearer to home, minimising difficulties with transport and keeping the child within their own community. The experience of parents at Bowker Vale, the north resourced provision, has been very positive. The self esteem and confidence of the parents increases as they see their children receiving the right support – and they also learn strategies to support their children. Parents of children currently attending Broad Oak may require reassurance that their children's education will not suffer, but the experience of Bowker Vale shows that all children				
	across the school make expected levels of progress and benefit from being educated in an inclusive school.				
Which action plans have these actions been transferred to?	Parenta	al engagen	ties for consultation, provide Frequently Asked Questions. nent team and Information, Advice and Support teams to offer support to Dak as the new provision is setting up.		

4. EIA Action Plan

Service / Directorate lead:

Strategic Director:

Business Improvement and Partnerships – Equality Team lead:

Actions identified from EIA	Target completion date	Responsible Officer	Is this action identified in your Directorate Business Plan and / or Equality Action Plan? (Yes / No / n/a)	Comments
SEND team action plan – 3 year specialist place planning	September 2016	Amanda Corcoran	Yes	
Provide opportunities for consultation, issue Frequently Asked Questions.		Julie Hicklin	No	
Parental engagement team and Information, Advice and Support teams to offer support to parents at Broad Oak as the new provision is setting up.		Maureen Howell	No	

5. Director level sign off

Name:	Date:	
Directorate:	Signature:	

NB: Sign-off must be in the form of an actual signature; not an emailed authorisation