

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 6 OCTOBER 2016****LEAD OFFICER: LIZ MILLS, ASSISTANT DIRECTOR, SCHOOLS AND LEARNING  
JOHN STEBBINGS, CHIEF PROPERTY OFFICER****SUBJECT: PROPOSAL FOR SPECIALIST LEARNING AND ADDITIONAL NEEDS CENTRES REFRESH****SUMMARY OF ISSUE:**

Surrey County Council has 8 specialist Learning and Additional Needs (LAN) centres across the county for junior aged pupils with Learning Difficulties (LD). The pupils now attending the LAN Centres have greater levels of need than when they first opened. This reflects a trend of increased incidences of pupils with diagnosis indicating complex needs being retained within Surrey maintained schools. This aligns with the Council's strategy of retaining more complex places within the maintained sector as opposed to placing in the Non Maintained Independent Sector at greater revenue cost to the Council. As a result these centres require additional capital works in order to reflect and meet the needs of pupils now accessing this provision.

**RECOMMENDATIONS:**

It is recommended that the Cabinet Member:

1. Approves developing the facilities at Ashford Park, Loseley Fields and Oakfield schools in order that the centres are better able to meet the needs of pupils with a greater level of need.
2. Approves the arrangements by which a variation of up to 10% of the total value of the proposed works may be agreed by the Strategic Director for Business Services in consultation with the Cabinet Member for Schools, Skills and Educational Achievement and the Leader of the Council.

**REASON FOR RECOMMENDATIONS:**

These proposals will provide enhanced specialist provision attached to mainstream schools for pupils with Statements of Special Educational Needs/Education Health Care Plans to meet a wider range of pupil needs. It will be a more efficient and effective use of existing specialist resources and support the SEND 2020 Strategy

## **DETAILS:**

### **Business Case**

1. In September 2004 the council opened 8 specialist centres at mainstream schools for junior aged pupils with Learning Difficulties (LD). These centres have enabled mainstream schools to develop specialisms to meet the needs of this cohort and, to date, have been successful in meeting the needs of pupils with learning difficulties within a mainstream setting.
2. In 2012 a review of Learning Difficulties was undertaken and identified that the centres would be required to make arrangements for pupils with a wider range of needs covered by the description Learning and Additional needs (LAN). The LAN description covers pupils with mobility difficulties, hearing difficulties, autism, communication and interaction needs and some behavioural difficulties.
3. Pupils now attending the Centres are demonstrating a much higher level of need than when they first opened. The centres were not originally set up to admit a cohort of pupils with additional needs and pupils were expected to benefit from a significant amount of time in mainstream. Due to the level of Special Educational Need and Disability (SEND) pupils now spend more time receiving specialist input in the centre and in some cases have very little mainstream time.
4. A programme of visits across the county to the eight schools that host the LAN centres was taken during 2015. Three of the centres were identified as requiring an upgrade to meet the needs of pupils with more complex needs. These centres are based at Ashford Park in Ashford, Loseley Fields in Godalming and Oakfield School in Fetcham. Each of these schools was rated as Good by Ofsted during their most recent inspections.
5. The centres are educating pupils with a different level of need and it is therefore necessary to provide additional space and specialist facilities. Specifically provision at these centres means that pupils can be more independent learners and can also develop important living skills, preparing them for transition to Secondary school and beyond. This proposal will enable essential changes to make each site accessible to pupils with mobility difficulties, to create additional classroom space and to provide disabled access toilets and changing space. Class space provided will have access to outside learning or break out areas directly from the classroom, meeting curricular requirements for outdoor play and small group activities.
6. The county has recently issued the SEND Development plan 2016-2020 that more effectively describes the offer to families of pupils with SEND. The plan specifies that, 'We will have the right provision to meet children and young people's needs' and 'Children and young people can access high quality, community based local provision that enables them to achieve the right outcomes based on their personal needs'. The approaches outlined in the points above are therefore in keeping with the SEND 2020 strategy.
7. Discussions with County Council officers, the Headteachers and heads of centres have taken place as to the future of the specialist centre provision at the schools. Working in partnership with the local authority, the schools are

fully in agreement with the proposals to develop the specialist centre provision.

8. There will be no change to pupil admissions. Pupils will continue to access the school according to the processes that are currently in place for children with an Education Health Care plan.

#### **CONSULTATION:**

9. The development of the specialist centres are not new additions to the school and therefore no formal consultation has been required.
10. Internally the Assistant Director for Schools and Learning, Head of Additional and Special Needs and SEN area teams have been consulted and support the approach to develop the specialist centres.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

11. There is significant pressure on expenditure for Special Educational Needs and Disability provision and a duty for the authority to ensure that this funding is used to maximum effect. If the specialist centres are not developed there is a risk that SEND resources would not be used effectively, with pupils needing to be placed in higher cost Specialist provision..
12. The buildings are not Equality Act (EA) compliant and access issues need to be addressed urgently due to the change in profile of the pupils now admitted to this type of provision. There is a significant risk due to these buildings not being EA compliant. The Act covers having arrangements in place that put a person with a protected characteristic at an unfair disadvantage. All other pupils attending these schools are able to access buildings and classrooms. Pupils with a disability, which is a protected characteristic, are unable to access learning opportunities in the same way as other pupils.
13. The risk with not making appropriate provision for this cohort of pupils is that parents dissatisfied with the current offer at the LAN centres will look to the maintained or NMI special sector for education for their child resulting in much higher costs. Non-maintained independent schools that meet the needs of junior pupils with Learning and Additional needs cost approximately £30,600 per annum.
14. There are risks associated with building projects, a risk register will be compiled and regularly updated. A contingency allowance appropriate to the school has been included within the project budget to mitigate for potential identified risks.

#### **Financial and Value for Money Implications**

15. The Capital Expenditure will be met from the SEN capital strategy programme funding in the 2016-21 Medium Term Financial Plan. The business case for this scheme was considered by the Council's Investment Panel on 16 August 2016, the panel supported the rationale for the project.
16. Non-maintained and Independent School costs for this type of provision cost approximately £30,000 per year. The offer of local appropriate and fully

accessible maintained provision means that parents of children with LAN are supported within the maintained specialist education environment. As a result, parents work with the school and the Local Authority and do not seek placements at expensive NMI schools as an alternative option. This approach is in keeping with the SEND 2020 strategy and is the best outcome for the school and families of SEND pupils

#### **Section 151 Officer Commentary**

17. This scheme has been reviewed by Investment Panel and will be funded from the SEN capital strategy programme funding in the 2016-21 Medium Term Financial Plan.

#### **Legal Implications – Monitoring Officer**

18. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by Cabinet in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report. No negative impacts have been identified as part of this proposal. Over 12 years ago SCC opened up eight specialist centres across the country for junior aged pupils with Learning Difficulties (LD). The pupils now attending the Learning and Additional needs Centres have greater levels of need than when they first opened. As a result the centres were not originally set up to admit such a cohort and they require additional capital works in order to meet the needs of pupils now accessing the provision. The Cabinet Member is asked to approve developing the facilities at Ashford Park, Loseley Fields and Oakfield Schools in order that the centres are better able to meet needs with a greater level of need and this refresh will not create any issues that will require the production of an Equality Impact assessment (EIA) as no group with protected characteristics will be adversely affected as a consequence of the approval, or otherwise. In fact this proposal will enhance provision for children with protected characteristics.
19. The Refresh of Specialist Learning and Additional needs Centres has No Requirement for Formal Consultation There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision. However in this case there is no formal requirement to consult resulting from developing the facilities at the three centres. Internally the Assistant Director for Schools and Learning Head of Additional and Special Needs and SEN area teams have been fully consulted and support the approach to develop the specialist centres.
20. In coming to a decision on this issue the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet to decide. Relevant matters in this context will include the statutory requirements ( no formal consultation required), the policy considerations, the impacts of the options on service provision, the medium term financial plan, the Council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty

21. The Council owes a fiduciary duty to its Council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people. Accordingly in deciding to spend money a local authority must take account of the interests of Council taxpayers who have contributed to the Council's income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.
22. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

### **Equalities and Diversity**

23. No negative impacts have been identified as part of this proposal. The specialist centres will be able to offer enhanced provision to pupils with protected characteristics.
24. The updated facilities will comply with the regulations specified in the Equality Act.

### **Safeguarding responsibilities for vulnerable children and adults implications**

25. Safeguarding vulnerable children is a high priority in all Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and adhere to robust procedures. The schools will continue to apply good practise in the area of safeguarding as they are currently. In addition, safeguarding is a key area for monitoring when Ofsted carries out inspections.

### **WHAT HAPPENS NEXT:**

26. Subject to Cabinet Member approval of the proposal and the agreement of capital investment for the refurbishment of the LAN Centres at Ashford Park, Loseley Fields and Oakfield Schools. The aim is for this work to be completed by 1 September 2017.
27. If approved, to proceed to complete tenders for the building and subsequent award of a contract under delegated decision.

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#### **Contact Officer:**

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Keith Brown, Schools and Capital Programme Manager

#### **Consulted:**

Tony Samuels, Cabinet Associate for the Built Environment  
Clare Curran, Local Member – Bookham and Fetcham West  
Denise Turner-Stewart, Local Member – Staines South and Ashford West  
Steve Cosser, Local Member – Godalming North

Julie Fisher, Deputy Chief Executive and Strategic Director for Children, Schools and Families

Local Education Officers for the south west, north east and south east areas

Head of Additional and Special Educational Needs

Paula Chowdhury, Strategic Finance Manager – Business Services

Headteachers at Oakfield, Loseley Fields and Ashford Park Schools

**Sources/background papers:**

Learning Difficulties Review 2012

SEND Development Plan 2016-2020

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