



LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

DECISIONS to be made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley.

THURSDAY, 22 JULY 2021 AT 10:00AM

CC2, COUNTY HALL, LEWES

++ Please note, the Lead Member will not be present in person, but will be taking the decisions remotely ++

A G E N D A

- 1 Decisions made by the Lead Cabinet Member on 26 April 2021 (*Pages 3 - 4*)
- 2 Disclosures of interests

Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items

Notification of items which the Lead Member considers to be urgent and propose to take at the end of the appropriate part of the Agenda
- 4 In-year admission arrangements 2021-22- permission to consult (*Pages 5 - 16*)
- 5 Proposed amendment to the school term and holiday dates for the academic year 2021/2022 (*Pages 17 - 24*)
- 6 Proposed re-designation of Special Educational Needs facility at Wallands Community Primary School. (*Pages 25 - 32*)
- 7 Any urgent items previously notified under agenda item 3

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent
LEWES BN7 1UE

14 July 2021

Contact
Aaron Sams – Democratic Services Officer
Tel: 01273 335274
Email: aaron.sams@eastsussex.gov.uk

NOTE: As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website.. The broadcast/record is accessible at

www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm

LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

MINUTES of a meeting of the Lead Member for Education and Inclusion, Special Educational Needs and Disability held at County Hall, Lewes on 26 April 2021.

++ The Lead Member was not present in person, but took the decisions remotely ++

Councillor Kathryn Field spoke on item 4 (minute 29)

26 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 22 FEBRUARY 2021

26.1 The Lead Member approved as a correct record the minutes of the meeting held on 22 February 2021.

27 DISCLOSURES OF INTERESTS

27.1 There were none.

28 URGENT ITEMS

28.1 There were none.

29 POST-16 TRANSPORT POLICY STATEMENT 2021-2022

29.1 The Lead Member considered a report by the Director of Children's Services seeking approval of the Post-16 Transport Policy Statement for the 2021-22 academic year.

29.2 RESOLVED – to approve the Post-16 Transport Policy Statement for the 2021-22 academic year.

Reason

29.3 The County Council has carried out its legal duty to consult on the annual Post-16 Transport Policy Statement. The proposed statement does not differ from the draft statement.

29.4 The County Council may revise the statement to change the arrangements specified should it be considered necessary. This can include revisions to prices which may not be known until the end of August 2021.

This page is intentionally left blank

Report to:	Lead Member for Education and Inclusion, Special Educational Needs and Disabilities
Date of meeting:	22 July 2021
By:	Director of Children's Services
Title:	In-year admission arrangements 2021-22- permission to consult
Purpose:	To seek permission to consult with schools on an in-year variation to admission arrangements to vary in-year arrangements and introduce admissions co-ordination for 2021-22 as required by the School Admissions Code 2021.

RECOMMENDATIONS

1) To approve consultation with schools on amendments to in-year admission arrangements as set out in Appendix 1 (this will require an In-Year Variation to be consulted on at the same time).

2) To approve consultation on the introduction of a co-ordinated scheme of admissions for in-year applications as set out in Appendix 2.

1 Background

1.1 The School Admissions Code 2021 ('the Code') comes into force on 1 September 2021, replacing the 2014 Code which is currently in force. The draft Code was published in May 2021 and is expected to be ratified by Parliament on or around 1 July 2021, after both the 2021-22 and 2022-23 admission arrangements had been determined. Consultation approval is being sought now, so that East Sussex County Council can meet its consultation requirements for the changes expected by 31 October 2021 as set out below.

1.2 The Code requires that all local authorities publish their in-year admission arrangements for Community and Voluntary Controlled schools by 31 October 2021 and in subsequent years by 1 June for that September. East Sussex County Council does not currently publish such arrangements and an in-year variation will be required to do this.

1.3 Own admission authority schools may opt into this scheme. East Sussex County Council will continue to offer this as a traded service.

1.4 The Code also requires that admission authorities request an in-year variation to their admission arrangements for 2022-23 to include in priority 1 those children who were previously looked after overseas but ceased to be so because they were adopted. East Sussex County Council already includes these children in its definition of previously looked after children, so this is not necessary. However own admission authority schools within East Sussex have been notified and advised to apply for an in-year variation where needed.

1.5 The Code requires substantial changes to the locally agreed Fair Access Protocol and the Lead Member is advised that a new draft protocol has been circulated to schools for consultation in compliance with these requirements. The Lead Member is not required to make a decision on the protocol.

2 Supporting information

2.1 The Lead Member is advised that the new arrangements do not require changes to the admission priorities.

2.2 As the arrangements will be different for 2021-22 and 2022-23, they do require an in-year variation to be sought from the Office of the Schools Adjudicator. Permission is requested to apply for this simultaneously with the consultation in view of the requirement to have published 2021-22 in year arrangements by 31 October 2021.

2.3 For the future it is proposed to add the arrangements, and schemes, to the annual admissions consultation process between October and January every year.

2.4 The proposed new arrangements are attached as Appendix 1. These are modelled on current practice and the traded service currently offered to Academies.

2.5 The proposed new co-ordinated scheme is attached as Appendix 2. This is modelled on the current schemes for annual intake, adapted to take account of the arrangements in Appendix 1.

2.6 Should these consultations be agreed, the Lead Member will need to make a decision on the proposed arrangements and scheme at the meeting to be held in October 2021.

3. Conclusion and reasons for recommendations

3.1 The Lead Member is asked to approve the application for an in-year variation and the consultation with schools around this as set out in 2.2 above, since it is required by the Code.

3.2 The Lead Member is asked to approve consultation on the proposed co-ordinated in year scheme set out in Appendix 2, since this is also required by the Code.

Stuart Gallimore
Director of Children's Services

Contact Officer: Jo Miles

Tel. No. 01273 481911

Email: jo.miles@eastsussex.gov.uk

Appendices

Appendix 1: Proposed in year admission arrangements 2021-22

Appendix 2: Proposed in year co-ordination scheme 2021-22

In Year Admissions arrangements 2021-22 for Community and Controlled schools

- 1.1 School places must be allocated in accordance with admissions legislation which includes the School Admissions Code issued by the Secretary of State. The aim of the Code is to ensure places are allocated and offered in a consistent, open and fair way.
- 1.2 Admission arrangements are subject to consultation with various bodies including parents, schools and neighbouring local authorities. The arrangements are then set and published by the County Council each year.
- 1.3 In-Year Admissions are those relating to children whose parents are seeking admission to a school outside the normal timescale, defined as those requesting admission to school after the first day of the first term on which children in that age group are normally expected to start at the school.
- 1.4 In East Sussex, the normal timescale applies in Reception, year 7, and in the case of junior schools, year 3.
- 1.5 Admissions to years 12 and 13 of those community schools with sixth forms are delegated to the individual schools as they will have academic entry requirements.

2 Applying for places

- 2.1 Parents can name up to three preferred schools via the online admissions portal or the in year application form supplied by the County Council. This is available from 1 June 2020.
- 2.2 Parents are asked to specify the reason for wishing to move school, and the name of the current school, to enable the County Council to establish whether or not the child is currently unplaced, or qualifies for inclusion in the Fair Access Protocol.
- 2.3 Unless the parent specifies otherwise, in year admissions will be assumed to be for the child's chronological age group. See section 5 for admissions out of year group.
- 2.4 If any of the preferred schools are own admission authority schools, the application will be securely shared with the school to enable the admission authority to make a decision on the application.
- 2.5 If vacancies exist in the child's year group at more than one of the preferred schools, a place will be offered at the highest preference possible and parents will be advised of this by the relevant admission authority.
- 2.6 If there is competition for any available places, the following priorities will be used by the County Council as admission authority to decide which children should be admitted:
 - 1) Looked after children and previously looked after children.
 - 2) Children who will have a brother or sister at the school at the time of admission and who live at the same address within the pre-defined community area.
 - 3) Other children living within a pre-defined community area.
 - 4) Children who will have a brother or sister at the school at the time of admission and who live at the same address outside the pre-defined community area.

5) Other children.

2.3 Children who have a brother or sister who joined the school prior to 1 September 2017 and who is still on roll will be admitted under the previous arrangements which gave priority to siblings regardless of whether they live in the pre-defined community area or not.

2.4 **Tie breaker:** In the event of oversubscription within any criterion, place allocation will be decided by prioritising applications on the basis of home to school distance measured in a straight line. The County Council's Geographical Information System (GIS) measures from the child's home to the school using validated address point data as start and end points.

2.5 Own admission authority schools may have different admission priorities, and parents should check with those schools whether further information is needed to decide who should be offered any available places (usually a 'Supplementary Information Form' (SIF)).

2.6 If a place is available in the child's year group at any or all of the preferred schools, the County Council will issue a decision to the parent offering a place at the highest preference school with a place, and explaining what the parent needs to do to accept the place offered.

3 If there are no places available in any of the preferred schools:

3.1 The County Council will refuse the application and offer the parent the right of appeal, and inform the parent of waiting list arrangements if applicable.

3.2 If the child lives outside East Sussex, the County Council will not offer an alternative school.

3.3 If the child is currently attending a school within a reasonable daily travelling distance, the County Council will suggest that the child remains at the current school.

3.4 If the child is not able to continue to attend the current school due to distance following a house move, or has never attended school in the UK, the County Council will allocate a place at the nearest alternative school with a place available.

3.5 If the child was previously on roll at a state-funded school in East Sussex, but has been withdrawn from that school to electively home educate, the County Council will offer a place at the previous school, unless doing so would breach class size legislation, the child is no longer of the correct age group for the school, or the child has moved out of the area served by the school and attendance there would be impractical due to distance.

3.6 If the child is unplaced and vulnerable, the East Sussex Fair Access Protocol may be used to place the child.

3.7 If the child is unplaced and there are no places available within a reasonable travelling distance, the County Council will arrange for the child to be placed at a school within a reasonable distance. This will not necessarily be the preferred school, but will normally be in the school which serves the child's home address. Children placed in this way will have priority over children on the waiting list, as will Looked After Children and children with Education, Health and Care plans naming the school in question. See section 5.

4 Refusing an application to a school where places exist in the child's year group:

- 4.1 An admission authority may only refuse an application in a year group where places exist if the child's behaviour is challenging and the preferred school has a disproportionate number of challenging pupils already on roll. The County Council will only do this in exceptional circumstances and parents will still have the right of appeal.
- 4.2 The County Council will refer any such cases for placement via the Fair Access Protocol, where the child is unplaced.

5 Admission to school outside the child's normal age group:

- 5.1 In England and Wales, children are entitled to attend school from the September following their fourth birthday. However, formal education is not compulsory until the child is five. The vast majority of children start in reception as soon as they are entitled to and remain with the same age group until they leave school at the age of sixteen, or eighteen if they continue in the sixth form provision.
- 5.2 It is recognised that this arrangement will not suit every child and there is flexibility within every admission authority's arrangements to allow children to be admitted to the year below their chronological age, or, more exceptionally, to the year above.
- 5.3 Parents who believe it to be in their child's best interests to be placed out of year group, are asked to complete a request form available from the Admissions & Transport Service to enable the County Council to reach a decision on whether or not the child should be offered a place out of year group.
- 5.4 For schools where the County Council is the admission authority, this will normally be agreed where the child has applied to move from another school in England and Wales which follows the National Curriculum and has been educated out of year group up until the point of applying for an East Sussex school.
- 5.5 Where this is not the case, the County Council may need more information to enable a decision to be reached.
- 5.6 If an admission authority offers a place at the preferred school, but not in the preferred year group, there is no right of appeal against this decision.

6 Withdrawing the offer of a place

- 6.1 If the County Council offers a place but the parent cannot be contacted, or does not wish to accept the place within a reasonable timescale, the place may be withdrawn.
- 6.2 A place may also be withdrawn if it has been offered based on incorrect information, if it is reasonable to do so. The County Council will not do this if the child is already attending the school.
- 6.3 If a place is withdrawn due to incorrect information, the County Council will reconsider the application based on the correct information, and offer a place or appeal rights if the place should instead have been offered to another child.

7 Appeals

- 7.1 If an admission authority is unable to offer a place in the preferred school, parents have the right to appeal to an independent appeal panel.
- 7.2 In East Sussex County Council, School Admission Appeals are convened and clerked by the Democratic Services team, which is independent of the Admissions and Transport Service.
- 7.3 When a parent notifies East Sussex County Council of their wish to appeal, Democratic Services will notify the Admissions and Transport service, check that the decision to refuse a place has been notified to the parent, and acknowledge receipt of the appeal.
- 7.4 The parent and Admissions and Transport Service will be notified of the arrangements for the appeal to be heard in accordance with the requirements of the School Admissions Appeal Code issued by the Secretary of State.
- 7.5 Independent appeal panels' decisions are binding on the admission authority and the parent, and if the appeal is successful, the school will contact the parent to arrange a start date.

8 Waiting lists

- 8.1 Admission authorities are not obliged to hold a waiting list for places which become available after the end of term 2 in the 'relevant age group'.
- 8.2 Where waiting lists are held, these must be in accordance with the published admission priorities.
- 8.3 Admission authorities must offer places which become available in accordance with their admission priorities.
- 8.4 The County Council will maintain waiting lists and offer places on behalf of schools.
- 8.5 Children admitted on appeal, through the Fair Access Protocol, the EHCP process and as Looked After Children (or previously looked after children) will take priority over children on the waiting list, and will normally be admitted whether a place is available or not.
- 8.6 Where a school has admitted a child or children over numbers, places will not be offered from the waiting list in the year group in question until the number of children on roll has reduced below the published admission number, or the revised admission number if the school has agreed one with the County Council.

This page is intentionally left blank

East Sussex County Council Co-ordinated scheme for in-year admissions in 2021/22

Introduction

The School Admissions Code 2021 requires that Local Authorities co-ordinate in-year admissions to schools for which they are the admission authority (Community and Voluntary Controlled Schools). Own Admission Authority (OAA) schools and Academies may opt in to the scheme.

In-year admissions are those relating to children whose parents are seeking admission outside the normal timescale, which means after the first day of the first term of reception, year 3 (of a junior school) or year 7.

Admissions to years 12 and 13 of those community schools with sixth forms are not co-ordinated by the Local Authority and do not form part of this scheme.

OAA schools and Academies may also require Supplementary Information forms to be completed to enable applications to be ranked in order of admission priorities, but an application will be valid even if this is not done.

OAA schools and Academies opting into the scheme may request in year management of applications and waiting lists as a traded service via the webshop.

Fee-paying schools will not be included in this scheme.

Applications are received throughout the year and therefore no timetable applies to this scheme. Decision outcomes will be issued to parents within ten school days, or as soon as possible thereafter.

This scheme will be administered by the Admissions and Transport Service of East Sussex County Council.

Application Process

1. Parents/carers may name up to three preferences on the application and all preferences expressed by parents will be treated equally. This means that each preference will be measured against the published oversubscription criteria only, without reference to the order stated by the parent. Only one school place will be offered, and this will be the highest possible preference expressed by the parent that can be agreed.

2. Details of current applications will be shared with schools electronically via SAM and schools are asked to confirm within two school days whether a place is available in the relevant year group. If the Admissions and Transport Service already has this information it will offer/refuse the place ahead of this timescale unless by prior agreement with the school.

3. OAA schools or Academies are then asked to confirm within a further three school days whether the available place is able to be offered to the applicant.

4. In order to make a valid application for a school participating in the scheme, parents/carers must complete an in-year application via the parent portal or the form supplied by East Sussex County Council. The East Sussex in year application form is available in paper form on request or applications can be made online through the East Sussex Council website.
5. OAA schools or Academies may require additional information in order to apply their oversubscription criteria and will provide a supplementary information form on the school's website. Where the parent/carer fails to complete the supplementary form, the admission authority will rank the application according to the information given on the application form only. Where the parent/carer completes the supplementary form but fails to complete the LA application form, this will not constitute a valid application.
6. Completed supplementary information forms will be returned to the individual schools, and not the Admissions and Transport Service.

Notifying parents of the outcome of their applications

1. The Admissions and Transport Service will notify parents/carers of the outcome of their applications, where the County Council is the admission authority.
2. OAA schools and Academies must notify all applicants of the outcome of their application within fifteen school days, giving reasons and appeal rights in writing if the application is unsuccessful.
3. If it is not possible to offer a place at any of the preferred schools, the Admissions and Transport Service will notify the parents of this and suggest the child remain in their current provision, if feasible, or offer the nearest available school place if not, assuming the child lives in East Sussex. Where the child qualifies for inclusion in the Fair Access Protocol, this will be invoked to place the child in a suitable school.

Refusing an application to a school where places exist in the child's year group

1. An admission authority may only refuse an application in a year group where places exist if the child's behaviour is challenging and the preferred school has a disproportionate number of challenging pupils already on roll. The County Council will only do this in exceptional circumstances and parents will still have the right of appeal.
2. Any such cases will be referred for placement via the Fair Access Protocol, where the child is unplaced. The protocol may place the child in the preferred school even though a place has initially been refused.
3. This provision cannot be used in the normal year of entry, so that it is not possible to refuse a place (if there is one available) in reception, year 3 (of a junior school) or year 7 at any point during the school year.

Admission to school outside the child's normal age group

1. In England and Wales, children are entitled to attend school from the September following their fourth birthday. However, formal education is not compulsory until the child is five. The vast majority of children start in reception as soon as they are entitled to and remain with the same age group until they leave school at the age of sixteen, or eighteen if they continue in the sixth form provision
2. It is recognised that this arrangement will not suit every child and there is flexibility within every admission authority's arrangements to allow children to be admitted to the year below their chronological age, or, more exceptionally, to the year above.
3. Parents who believe it to be in their child's best interests to be placed out of year group, are asked to complete a request form available on request from the Admissions and to enable the County Council to reach a decision on whether or not the child should be offered a place out of year group.
4. For schools where the County Council is the admission authority, this will normally be agreed where the child has applied to move from another school in England and Wales which follows the National Curriculum and has been educated out of year group up until the point of applying for an East Sussex school.
5. Where this is not the case, the County Council may need more information to enable a decision to be reached.
6. If an admission authority offers a place at the preferred school, but not in the preferred year group, there is no right of appeal against this decision.

School offered

1. Where a place is offered, schools should return a notification of the start date via SAM to confirm that the place has been accepted.
2. If the place is not accepted within ten school days, schools must contact the parent/carer to establish whether or not the place is still required. If the parent/carer declines, or cannot be contacted, the current school should be contacted to establish whether the child is still on roll.
3. If the child is still on roll and the parent no longer requires the place, a SAM notification should be issued to this effect.
4. If the child is not still on roll, a CME referral must be made if efforts to contact the family are unsuccessful. A SAM notification should be issued to advise and the place held for the child until the CME procedure is completed.

Appeals

1. Parents/carers will be informed of their statutory right of appeal when they receive the outcome of their applications. Parents can appeal for any preference expressed but not allocated, even if it was a lower preference than the one offered.
2. Parents will be allowed at least 20 school days from the date of the notification to submit an appeal via East Sussex County Council's School Appeals Team.

3. Links to the East Sussex County Council's School Appeals online process will be included in the notification. Appeal details for OAA schools and academies will be available on the individual school or Academy's website.

Waiting lists

1. Waiting lists for all East Sussex schools where the County Council is the admission authority will be held by the County Council.

2. OAA schools and academies will be responsible for maintaining their own waiting list in accordance with their published oversubscription criteria.

3. The County Council requires parents/carers to renew their waiting list application after every two terms (at Christmas, Easter and for the new academic year). Parents/carers not doing so are assumed no longer to require the place.

Agenda Item 5

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 July 2021**

By: **Director of Children's Services**

Title of report: **Proposed amendment to the school term and holiday dates for the academic year 2021/2022**

Purpose of report: **To seek Lead Member approval to finish the academic year 2021/2022 one day early, on Thursday 21 July 2022**

RECOMMENDATION:

The Lead Member is recommended to approve the academic year 2021/22 finishes one day early, on Thursday 21 July 2022.

1. Background

1.1 East Sussex County Council has a duty to agree school term and holiday dates for local authority maintained schools. Foundation, trust and voluntary aided schools and academies are responsible for setting their own school term and holiday dates.

1.2 The school term and holiday dates for the 2021/2022 academic year were agreed in May 2020. Local Authority maintained schools must open for at least 380 sessions (190 days) during a school year. Teacher training days are additional to this number; teachers in maintained schools must be available for work for 195 days, the additional five days per year being for other duties (INSET days).

1.3 To celebrate the Queen's Platinum Jubilee a new bank holiday has been added on Friday 3 June 2022 and the late May bank holiday weekend moved to Thursday 2 June 2022. This is reflected in the calendar published on the ESCC website (appendix 1). In East Sussex the additional bank holiday falls in the school spring break (half-term break) when schools will already be closed.

1.4 The government have [laid regulations \[the Education \(School Day and School Year\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2021\]](#) resulting in a temporary reduction in the length of the school year in 2021/2022. As set out in the explanatory memorandum at appendix 2.

'The reduction in the minimum number of sessions in the academic year 2021/22 is to enable schools to close for the additional bank holiday on 3 June 2022 to celebrate the Platinum Jubilee of Her Majesty the Queen. There are no expectations for schools to make up these sessions. The amendment to regulations will mean that schools will not be at risk of breaching their statutory duty to meet for 380 sessions.'

This would mean that the length of the standard school year will be reduced from a total of 195 days to 194 (189 pupil days and five INSET days).

1.5 This amendment is like previous amendments when additional bank holidays were given for the Queen's Diamond Jubilee (5 June 2012) and the wedding of the Duke and Duchess of Cambridge (29 April 2011). The impact of the additional bank holidays also saw a reduction in the number of sessions resulting in a reduction of the total number of school days from 195 to 194.

1.6 There are likely to be consequential changes to the School Teachers Pay and Conditions Document 2021/22 (STPCD) due to the additional bank holiday for 2022 (unlikely to be published in draft until at least late July) in accordance with previous years.

1.7 The option of not reducing the total number of school days from 195 to 194 is likely to contravene the information to be published in the draft STPCD. Arrangements need to be put into place to ensure that the schools' workforce benefit from the additional bank holiday if the date falls in the school holidays. This is not a matter for consultation with trade unions locally at this stage because the draft STPCD (when published in July) will contain information on how the arrangements for the platinum jubilee will apply to schools. The national unions will be able to comment on the STPCD in the normal way.

1.8 Once a decision on the actual date of the additional bank holiday is agreed for those in educational settings, the trade unions will be advised of this at the same time it is advertised to schools and other relevant Council services.

2. Options to reduce the number of school days

2.1 Some local authorities are consulting with schools on options to reduce the number of school days by, for example:

- a) Extending the early May bank holiday by making Tuesday 3 May 2022 a non-working day. The Department are not supportive of this option given the following week is SATs week.
- b) Extending the half-term break by making Friday 27 May or Monday 6 June 2022 a non-school day. At this stage, and pending the publication of further guidance, it is unlikely for there to be any compulsion for schools to organise the day in lieu close to the additional bank holiday e.g. prior to the half term break on either 27 May or following it on 6 June. The Department are also not supportive of this option because extending the half term break may impact negatively on attendance.
- c) Finishing the school year earlier, on Thursday 21 July 2022, extending the summer break by one day (as discussed elsewhere in this report). The Department believes this option provides the least disruption to pupil's learning.

3. Conclusion and reasons for recommendations

3.1 The additional bank holiday on 3 June 2022 falls within the East Sussex school term and holiday dates for 2021/2022. The expectation is that arrangements will be put in place to ensure that the schools' workforce benefit from the additional bank holiday if the date falls in the school holidays. This would mean that the total number of school days is reduced from 195 to 194.

3.2 The Lead Member is recommended to approve that the academic year 2021/2022 finishes one day early, on Thursday 21 July 2022.

3.3 The school term and holiday calendar for 2021/2022 will be updated to reflect the decision. Schools, relevant services, and other key stakeholders will be notified of the decision.

STUART GALLIMORE Director of Children's Services

Contact Officer: Elizabeth Funge, Head of Service
Tel. No. 07769 164189
Email: Elizabeth.Funge@eastsussex.gov.uk

APPENDICES

Appendix 1: East Sussex school term and holiday dates 2021/2022.

Appendix 2: Explanatory Memorandum to The Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations 2021.



Appendix 1: School Term and Holiday Dates 2021–2022

	SEPTEMBER 2021	OCTOBER 2021	NOVEMBER 2021	DECEMBER 2021
Monday	6 13 20 27	4 11 18 25	1 8 15 22 29	6 13 20 27
Tuesday	7 14 21 28	5 12 19 26	2 9 16 23 30	7 14 21 28
Wednesday	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 29
Thursday	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30
Friday	3 10 17 24	1 8 15 22 29	5 12 19 26	3 10 17 24 31
Saturday	4 11 18 25	2 9 16 23 30	6 13 20 27	4 11 18 25
Sunday	5 12 19 26	3 10 17 24 31	7 14 21 28	5 12 19 26
	JANUARY 2022	FEBRUARY 2022	MARCH 2022	APRIL 2022
Monday	3 10 17 24 31	7 14 21 28	7 14 21 28	4 11 18 25
Tuesday	4 11 18 25	1 8 15 22	1 8 15 22 29	5 12 19 26
Wednesday	5 12 19 26	2 9 16 23	2 9 16 23 30	6 13 20 27
Thursday	6 13 20 27	3 10 17 24	3 10 17 24 31	7 14 21 28
Friday	7 14 21 28	4 11 18 25	4 11 18 25	1 8 15 22 29
Saturday	1 8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30
Sunday	2 9 16 23 30	6 13 20 27	6 13 20 27	3 10 17 24
	MAY 2022	JUNE 2022	JULY 2022	AUGUST 2022
Monday	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29
Tuesday	3 10 17 24 31	7 14 21 28	5 12 19 26	2 9 16 23 30
Wednesday	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24 31
Thursday	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25
Friday	6 13 20 27	3 10 17 24	1 8 15 22 29	5 12 19 26
Saturday	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27
Sunday	1 8 15 22 29	5 12 19 26	3 10 17 24 31	7 14 21 28

Bank and Public Holidays 2021 - 2022

Christmas Day*	Monday 27 December 2021	Early May Bank Holiday	Monday 2 May 2022
Boxing Day Holiday*	Tuesday 28 December 2021	Spring Bank Holiday	Thursday 2 June 2022
New Year's Day*	Monday 3 January 2022	Queens Platinum Jubilee additional BH	Friday 3 June 2022
Good Friday	Friday 15 April 2022	Summer Bank Holiday	Monday 29 August 2022
Easter Monday	Monday 18 April 2022		

*Replacement Bank Holiday day when the bank holiday falls on a weekend

Key

Staff Training Day (INSET DAY)		Start of term for pupils		End of Term		Public Holidays		School Holidays	
--------------------------------	--	--------------------------	--	-------------	--	-----------------	--	-----------------	--

Term Length

Term 1	1 September 2021	-	22 October 2021	38
<i>Autumn term break</i>	25 October 2021	-	29 October 2021	
Term 2	1 November 2021	-	17 December 2021	35
<i>Christmas break</i>	20 December 2021	-	3 January 2022	
Term 3	4 January 2022	-	11 February 2022	29
<i>February break</i>	14 February 2022	-	18 February 2022	
Term 4	21 February 2022	-	1 April 2022	30
<i>April break</i>	4 April 2022	-	18 April 2022	
Term 5	19 April 2022	-	27 May 2022	28
<i>May break</i>	30 May 2022	-	3 June 2022	
Term 6	6 June 2022	-	22 July 2022	35
			Total	195

This page is intentionally left blank

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL DAY AND SCHOOL YEAR) (ENGLAND)
(CORONAVIRUS) (AMENDMENT) REGULATIONS 2021

2021 No. 541

1. Introduction

This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

The purpose of this instrument is to allow schools in England to have held an extra In Service Training ('INSET') day to help teachers train and prepare for coronavirus testing in schools on 4 January 2021 without being at risk of breaching their statutory duties, and to make provision for the additional bank holiday on 3 June 2022 to celebrate the Platinum Jubilee of Her Majesty the Queen.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

The territorial extent of this instrument is England and Wales.

The territorial application of this instrument is England.

5. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

The Education (School Day and School Year) (England) Regulations 1999 ('the 1999 Regulations') require schools maintained by local authorities and special schools not maintained by local authorities to meet for at least 380 sessions every academic year. This instrument amends the 1999 Regulations to reduce that number for the academic year 2021/22 from 380 to 378 sessions. It also provides that in the academic year 2020/21 the school can be treated as having met for up to two sessions even if those sessions were devoted to training teachers in preparation for coronavirus testing at the school.

7. Policy background

What is being done and why?

The instrument allows schools in England to hold the extra INSET day on 4 January 2021 without being at risk of breaching their statutory duties, and to make provision for the additional bank holiday on 3 June 2022 to celebrate the Platinum Jubilee of Her Majesty the Queen.

The amendment relating to the academic year 2020/21 is for schools that held an additional INSET day on 4 January 2021. The Secretary of State announced this optional additional INSET day in December 2020 to help teachers train and prepare for coronavirus testing in schools. Following the announcement some schools did not hold teaching sessions on the 4 January. The Secretary of State stated there was no expectation for schools to make up these missed sessions. This amendment, therefore, will ensure that schools do not breach their statutory duty.

The reduction in the minimum number of sessions in the academic year 2021/22 is to enable schools to close for the additional bank holiday on 3 June 2022 to celebrate the Platinum Jubilee of Her Majesty the Queen. In line with Department of Digital, Culture, Media and Sport's announcement on 12 November 2020 setting out that there would be an extra bank holiday, all schools will be able to close on 3 June 2022. There are no expectations for schools to make up these sessions. The amendment to regulations will mean that schools will not be at risk of breaching their statutory duty to meet for 380 sessions.

These proposed changes are similar to previous amendments- for example, the Diamond Jubilee (5 June 2012) and the wedding of the Duke and Duchess of Cambridge (29 April 2011) - where reductions to the number of sessions were made. The Education (School Day and School Year) (England) (Amendment) Regulations 2010 gave schools delivering the primary curriculum an extra day to use for teacher training day by treating them as having met for two sessions. The School Teachers' Pay and Conditions Document is separate from these regulations.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

The department currently has no plans to consolidate the 1999 Regulations.

10. Consultation outcome

There is no statutory duty to consult on the contents of this instrument. We have discussed our approach with school leaders, local authority representative bodies as part of the policy making process and informal consultations and they agree with our approach.

11. Guidance

The department does not propose to issue any detailed guidance on the amendment.

This position will be communicated on the department's website and to relevant stakeholders so that schools and local authorities are able to make the necessary arrangements in good time.

12. Impact

There is no, or no significant, impact on business, charities or voluntary bodies.

The impact on the public sector is expected to be limited since they make it lawful for schools to take the public holiday already announced. Where additional arrangements are needed, for example in relation to school inspections or childcare, any adverse impact should be minimised by schools and local authorities giving as much notice as possible about their local arrangements.

An Impact Assessment has not been prepared for this instrument because no adverse impact upon the private or voluntary sectors is foreseen.

13. Regulating small business

The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

The approach to monitoring of this legislation is that the department does not gather data on the number of sessions for which schools are open in a year, but we know that some schools held an INSET day on the 4 January 2021, and it is expected that all maintained schools will take advantage of the reduced academic year 2021/22, which will enable them to benefit from the bank holiday.

The regulation does not include a statutory review clause.

15. Contact

Marcus Lea at the Department for Education, email: marcus.lea@education.gov.uk can be contacted with any queries regarding the instrument.

Charles Lang, Deputy Director for Behaviour, Attendance, Exclusion and Alternative Provision Division at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

Nick Gibb MP, Minister of State for School Standards at the Department of Education can confirm that this Explanatory Memorandum meets the required standard.

This page is intentionally left blank

Agenda Item 6

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **22 July 2021**

By: **Director of Children's Services**

Title of report: **Proposed extension to the designation of the specialist facility at Wallands Community Primary School**

Purpose of report: **To seek Lead Member approval to publish a statutory notice in respect of a proposal to extend the designation of the specialist facility at Wallands Community Primary School.**

RECOMMENDATIONS:

The Lead Member is recommended to:

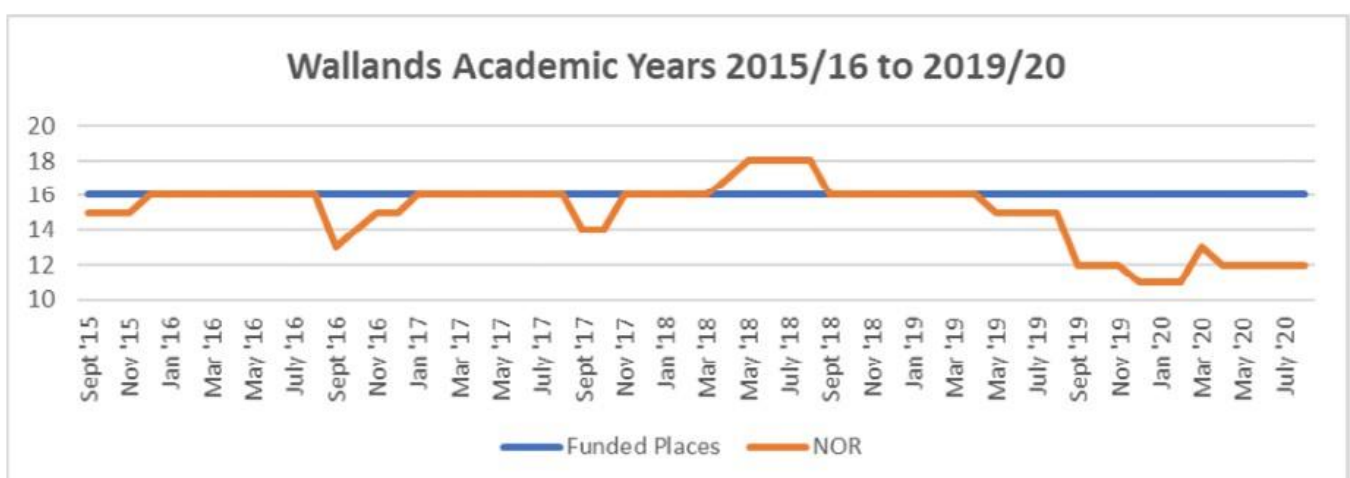
- 1) **authorise the publication of a statutory notice in respect of a proposal to extend the designation the specialist facility at Wallands Community Primary School; and**
- 2) **delegate authority to the Director of Children's Services to amend the proposal prior to its publication if required.**

1. Background

1.1 Wallands Community Primary School has a designated specialist facility (the facility) for up to 16 pupils aged 4-11 with speech, language and communication needs (SLCN). East Sussex County Council (the local authority) is proposing to extend the designation of the facility at the school from 1 September 2022, to also include pupils aged 4-11 with a primary need of Autistic Spectrum Disorder (ASD).

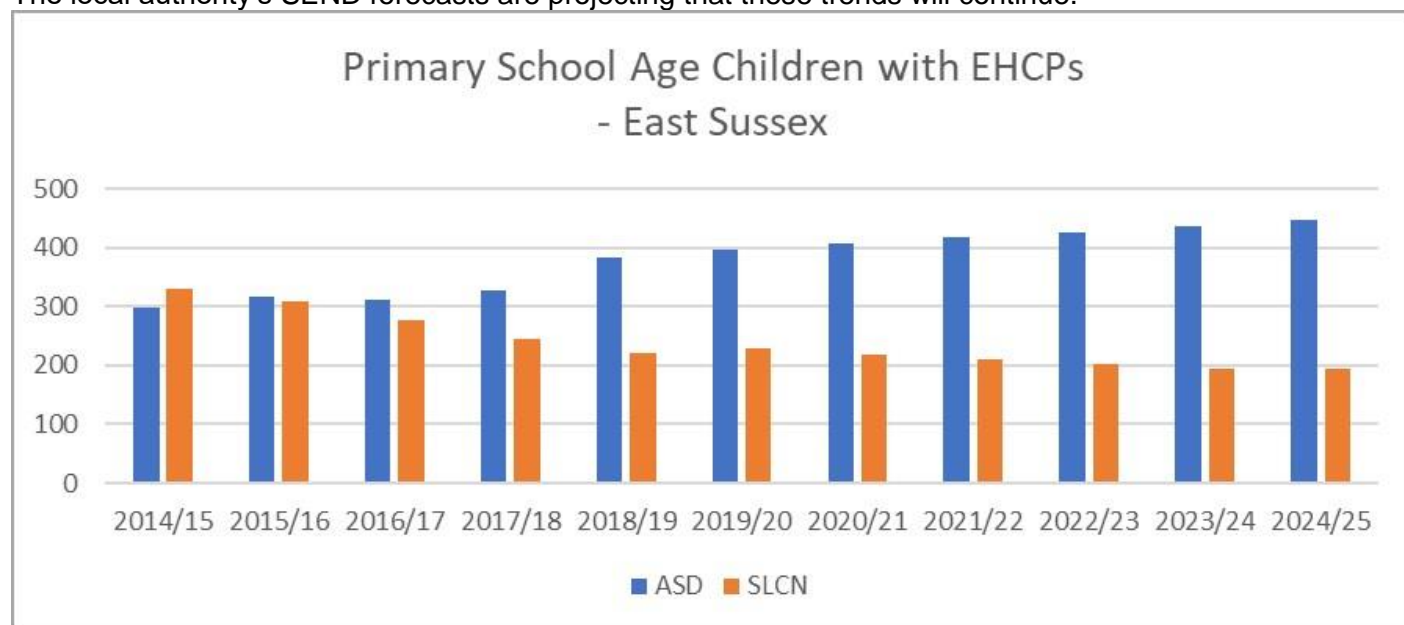
1.2 The local authority wishes to extend the designation of the facility to ensure it can meet the needs of local pupils with Special Educational Needs (SEN), reflecting the changes being seen to the type of SEN being presented.

1.3 Since 2019/20 the number of pupils within the facility has fallen, with numbers under capacity each month. This is demonstrated in the table below.



1.4 The decrease in pupil numbers is in line with the trend being seen across the county of fewer pupils with Education Health and Care Plans (EHCPs) presenting with a primary need of SLCN. Since 2014/15 the number of primary age pupils with an EHCP for SLCN has decreased from 329 pupils to 218 in

2020/21. Over the same period, the number of pupils with an EHCP for ASD has risen from 298 to 406. The local authority's SEND forecasts are projecting that these trends will continue.



1.5 Wallands Community Primary School has worked closely with the local authority over the last five years to expand the range of SEN support that can be met within the facility. This has resulted in pupils with a broader spectrum of need than SLCN being supported by the facility and an increasing number of pupils with ASD in addition to SLCN.

1.6 Across East Sussex there are three primary specialist facilities in mainstream schools for pupils aged 4-11 with ASD as their primary need, including new facilities at Churchwood Primary Academy in Hastings and Grovelands Community Primary School in Hailsham. The local authority's SEND forecasting has identified that there is a need for more specialist facilities that cater for pupils with this need, including in Lewes.

1.7 Having taken into consideration the changing nature of the type of SEN needs being presented and forecast in East Sussex, the local authority proposes to extend the designation of the facility at Wallands Community Primary School from 1 September 2022, to also include pupils aged 4-11 with a primary need of ASD, with associated SLCN.

1.8 The local authority expects the proposal to have a positive impact on provision at the school. Specialist staff will continue to work with pupils in the facility and also work with teaching staff across the school to develop skills and expertise in responding to SEN needs and creating an inclusive environment.

1.9 Should the proposed change go ahead, new pupils admitted to the facility from September 2022 would include those with a primary need of ASD and associated SLCN, alongside pupils with a primary need of SLCN. The local authority believes that the facility is well placed to support children with both of these needs.

2. Consultation and statutory process

2.1 The local authority has a statutory responsibility to secure sufficient school places, including for pupils with SEN. Before the designation of the facility can be extended, the local authority is required to follow a statutory process set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

2.2 In accordance with the regulations the local authority undertook a period of consultation with the school community, local schools and key stakeholders on the proposed changes. The consultation period ran from 14 May to 17 June 2021. In addition, the local authority held a virtual parent's meeting on 9 June 2021 to explain the proposal in more detail and answer parent's questions.

2.3 By the close of the consultation period 15 responses had been received. Respondents were largely in favour of the proposal, as can be seen in the breakdown below.

- 11 (73%) respondents support the proposal
- 1 (7%) respondent does not support the proposal
- 1 (7%) respondent was undecided
- 2 (13%) respondents did not answer

2.4 In summary, those in favour of the proposal recognise the benefits it would bring to pupils with a primary need of ASD and associated SLCN, to the school and to the wider community. They suggested that being part of an inclusive school means pupils are able to learn together and that it would be good for the existing pupils to understand more about ASD and learn alongside pupils with ASD. The main reason given for not supporting the proposal was that the facility should remain for use by pupils with SLCN and that the teaching should be focused more on supporting those pupils. Concern was also raised about the negative impact the facility might have on mainstream provision e.g. staffing numbers and behaviour management. A complete list of responses to the consultation is available in the Cabinet and Members Rooms.

2.5 Before the local authority is able to proceed with the proposal, it must publish a statutory notice in accordance with the regulations, providing interested parties with a further opportunity to comment on/object to the proposal. It is intended that the statutory notice would be published on the local authority's website in August 2021. The notice would also be published in the local newspaper and posted on the entrances to the school. Publication of the notice would trigger a four-week period of representation during which interested parties could comment on the proposal.

2.6 The local authority has a duty to determine each proposal within two months of the end of the representation period. We anticipate that a final decision on the proposal would be taken at the Lead Member meeting on 18 October 2021.

3. Equality Impact Assessment

3.1 The Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) in determining the proposal. An Equality Impact Assessment (EqIA) is being undertaken to identify any equality implications of the proposal and to identify any appropriate mitigations. The EqIA will be reported to Lead Member prior to a final decision being taken on the proposal.

4. Conclusion and reasons for recommendations

4.1 The local authority wishes to extend the designation of the specialist facility at Wallands Community Primary School to ensure it can meet the needs of local pupils with SEN, reflecting the changes being seen to the type of SEN being presented. Since 2014/15 the number of primary age pupils with an EHCP for SLCN has decreased, while, over the same period, the number of pupils with an EHCP for ASD has risen. The local authority's SEN forecasts are projecting that these trends will continue.

4.2 Feedback from the initial consultation was largely positive, with 11 out of 15 respondents supportive of the proposed changes.

4.3 For these reasons the Lead Member is recommended to:

- 1) authorise the publication of a statutory notice in respect of a proposal to extend the designation of the specialist facility at Wallands Community Primary School; and
- 2) delegate authority to the Director of Children's Services to amend the proposal prior to its publication, if required.

STUART GALLIMORE

Director of Children's Services

Contact Officer: Gary Langford, Place Planning Manager

Tel. No. 01273 481758

Email: gary.langford@eastsussex.gov.uk

LOCAL MEMBERS
Councillor Wendy Maples

APPENDICES

Appendix 1: Wallands Community Primary School – Consultation Summary

Wallands Community Primary School Consultation Summary

Consultation on a proposal to extend the designation of the existing specialist facility at Wallands Community Primary School from 1 September 2022, to also include pupils aged 4-11 with a primary need of Autistic Spectrum Disorder and associated speech, language and communication needs.

- In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the local authority undertook a period of consultation with the school community, local schools and key stakeholders on the proposed changes. The consultation period ran from 14 May to 17 June 2021. In addition, the local authority held a virtual parent's meeting on 9 June 2021 to explain the proposal in more detail and answer parent's questions.
- By the close of the consultation period 15 responses had been received. Respondents were largely in favour of the proposal, as can be seen in the breakdown below.
 - 11 (73%) respondents support the proposal
 - 1 (7%) respondent does not support the proposal
 - 1 (7%) respondent was undecided
 - 2 (13%) respondents did not answer
- The following table provides a summary of comments received from respondents during the consultation period.

Do you support the proposal to extend the designation of the specialist facility at Wallands Community Primary School to also include pupils with a primary need of autistic spectrum disorder with associated speech, language and communication needs?	Please provide any comments below:
No	I believe that the Speech facility should remain for pupils with the primary need of speech and language support. The students need focussed teaching in this area and it should not be diluted to ASD needs in general. The facility offers a fantastic provision which would be used more. If the opportunity was advertised better and the county did not shut down requests for support from parents immediately then the centre would be full. If over 24% of county EHCPs are about SLCN and 15% are focussed on ASD why offer more ASD? the figures don't back this up.
Not Answered	No comment provided
Not Answered	Please could some explanation of funding and resources be provided e.g. is the cost met centrally or does it rely on the school budget? Are staffing requirements met by the school when there are recruitment shortages or sickness?
Undecided	Very little mention of impact on provision to existing mainstream pupils. Whilst there is a clear need for this facility it needs to be recognised that this could impact negatively on mainstream provision - staffing numbers, behaviour management. Am in support of extending this facility but not at the cost of provision to mainstream pupils.
Yes	My child has ASC and social and communication needs and the language centre could not help. It seemed a shame not to have

Do you support the proposal to extend the designation of the specialist facility at Wallands Community Primary School to also include pupils with a primary need of autistic spectrum disorder with associated speech, language and communication needs?	Please provide any comments below:
	access to that expertise - especially as the NHS speech and language therapy services are so limited in Lewes.
Yes	I would like to see this facility linked up with the new Priory facility too, in time
Yes	No comment provided
Yes	I think this provision is important for children with these needs. Wallands is a great place with lots of green space and this can be very theraputic. I also think it is a benefit for other children in the school to understand that everyone is different and to value and learn from diversity among their peers.
Yes	I think it's really important that wherever possible integration with the mainstream school and facility is two way so that children with ASC but who do not have an EHCP can also benefit from the expertise and facilities of the unit to thrive (education, emotional well-being and mental health). We have seen the potential benefits for all involved where this is positively delivered and pursued with our own son at secondary level. I think the facility would be a fantastic and beneficial addition to a school as we increasingly recognise the extent of neurological diversity and benefits from recognising and championing this within school and wider communities. I only wish our son (only diagnosed recently in year 7) could have benefited from this while at Wallands!
Yes	In principle the extending of the designation is a good idea and there are benefits to the school and the community. I do have great concern around the text that has been provided as part of the consultation information, that states that building work is not required, as I feel this is misleading. It is true that some recent works have been completed which have provided for a long-overdue update to the Speach and Language unit, however this excellent facility has been designed respect of the very specific needs of children with language needs. The consultation must recognise that the specific needs of children with an ASD are different and can, in some cases, be directly opposite from that of children with language difficulties. It is essential that further funding is made available as part of this change to ensure that the school environment can be updated further to ensure the facilities are ready to provide for children with ASD. Specifically the consultation should note there are no facilities suitable for one-to-one work when the group settings becomes overwhelming, there is no space for specific sensory rooms, and none of the facility gives a particularly quiet space for minimising anxieties in a very large school.
Yes	No comment provided
Yes	We have seen an increase in pupils with ASD needs and associated speech, language and communication needs. It would serve the town to have a specialised facility to support those pupils and their families.
Yes	No comment provided
Yes	I think it's fantastic. Pupils should go to an inclusive school and be able to learn together. It will be good for the existing pupils to understand more and how to learn alongside those with ASC, as it will be good for the new pupils to be part of a mainstream school and the opportunities that will bring.
Yes	It's good for children to understand neurodiversity and those different from themselves.

This page is intentionally left blank