

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

Date: **26 April 2022**

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

Title of report: **Proposed specialist facility at All Saints CE Primary School, Bexhill**

Purpose of report: **To seek Lead Member approval to establish a new specialist facility at All Saints CE Primary School.**

RECOMMENDATIONS:

The Lead Member is recommended to approve the establishment of a new specialist facility at All Saints CE Primary School, Bexhill for up to 12 pupils with effect from 1 September 2022.

1. Background

1.1 On the 14 January 2022 the Lead Member for Education and Inclusion, Special Educational Needs and Disability (the Lead Member) considered a report on a proposal to establish a new specialist facility at All Saints CE Primary School (the School).

1.2 As described in the report the overall number of children and young people aged 4-24 with Education, Health and Care Plans (EHCPs) has been rising in recent years and is forecast to continue to rise. The two groups with the biggest increases continue to be those with Autistic Spectrum Disorder (ASD) and Social Emotional and Mental Health (SEMH) needs.

1.3 The local authority has, over the last few years, been implementing its strategy to develop more specialist places for pupils with special educational needs and disabilities (SEND). This includes securing new free special schools and the development of more specialist facilities in mainstream schools. The local authority undertook a consultation in 2021 on its SEND place planning strategy. Feedback from the consultation agreed that a priority for the local authority should be the creation of specialist provision in mainstream primary schools for pupils with neuro-diverse profiles, such as ASD and associated SEMH and Speech, Language and Communication Needs (SLCN), in the Rother area.

1.4 In response to the forecast demand and the consultation feedback, the local authority is seeking to establish a facility for up to 12 pupils at the School for pupils with ASD and associated SEMH and SLCN. The School and the local authority have identified the former nursery building on the School site as suitable to accommodate the new facility. Some internal adaptations would be required to the building and the local authority would work closely with the School to ensure these are completed in time for the facility to open. Funding for these adaptations has been identified within the local authority's agreed capital programme for SEND provision. The School's nursery provision will continue to be offered in alternative accommodation.

1.5 The local authority consulted with the School community, local schools and key stakeholders on the proposal between 12 November and 10 December 2021. By the end of the consultation period 42 responses had been received, 40 (95.2%) of which supported the proposal. One respondent (2.4%) did not support the proposal and one (2.4%) was undecided.

1.6 Having considered the outcome of the consultation and the report to the meeting on 14 January 2022, the Lead Member approved the publication of a statutory notice to establish a new specialist facility with effect from 1 September 2022. The Lead Member report can be viewed by following the following link: [Lead Member for Education and Inclusion, Special Educational Needs and Disability 14 January 2022](#)

2. Statutory process

2.1 In accordance with the prescribed process established by the School Organisation (Prescribed Alternations to Maintained Schools) (England) Regulations 2013 (as amended) a statutory notice was published in the Hastings & Rye Observer, and the Battle & Bexhill Observer on 18 February 2022. The

statutory notice was also posted at the entrances to the school and on the local authority's website on the same day, providing details to interested parties on how the full proposal could be accessed.

2.2 Publication of the statutory proposal triggered a 4-week representation period, when comments or objections could be made to the local authority. By the close of the representation period on 17 March 2022 one comment had been received.

2.3 The respondent asked a number of questions which are set out in **Appendix 1** along with the Council's response.

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. As part of this the local authority has completed an initial equality assessment and concluded that a full equality impact assessment is not required. No potential equality impacts or barriers have been identified by officers or stakeholders during either the initial consultation or the subsequent representation period following the publication of the statutory proposal. We believe the proposal will have a positive impact on provision at the school as the facility will be able to meet the needs of local pupils with neuro-diverse profiles, such as ASD and associated SEMH and SLCN. The initial equality assessment is available to view in the Cabinet and Members Rooms at County Hall.

4. Conclusion and recommendations

4.1 In conclusion, the local authority has identified a gap in specialist provision in mainstream primary schools for pupils with neuro-diverse profiles, such as ASD and associated SEMH and SLCN, in the Rother area. The local authority would like to establish a specialist facility for up to 12 pupils with ASD and associated SEMH and SLCN at All Saints CE Primary School, Bexhill with effect from 1 September 2022 to address this need.

4.2 For these reasons the Lead Member is recommended to approve the establishment of a new specialist facility at All Saints CE Primary School for up to 12 pupils.

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LOCAL MEMBERS
Councillor Abul Azad

BACKGROUND DOCUMENTS
[Report and minute from the 14 January 2022 Lead Member meeting](#)

APPENDICES

Appendix 1 - Factors to be considered by the decision maker

Appendix 2 - Questions received in response to the statutory notices and the Council's response

Factors which the Lead Member should consider before reaching a decision on the proposal

1.1	Are the proposals related to other published proposals?	The proposal to establish Special Educational Needs and Disabilities (SEND) provision at All Saints CE Primary School is not related to other published proposals.
1.2	Is conditional approval being sought for the proposal?	No
1.3	Was a statutory consultation carried out prior to the publication of notices?	<p>A 4-week period of consultation was carried out between 12 November and 10 December 2021.</p> <p>By the close of the consultation period 42 responses had been received. Respondents were overwhelmingly in favour of the proposal, as can be seen in the breakdown below.</p> <ul style="list-style-type: none"> • 40 (95.2%) support the proposal • 1 (2.4%) does not support the proposal • 1 (2.4%) was undecided <p>In summary, those in favour of the proposal recognise there is a shortage of provision for children with ASD and associated SEMH and SLCN in the Bexhill area and that the School is the right location for a specialist facility due to its supportive environment. They suggested that children 'need to feel and be included in mainstream schools but with specialist help for them'. The reason given for not supporting the proposal was that the facility would segregate children with neuro-diverse profiles.</p>
1.4	Did the published notice comply with statutory requirements?	The notice was published in accordance with the prescribed process established by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (as amended)
1.5	How will the proposal affect education standards and diversity of provision?	<p>In East Sussex specialist facilities promote an ethos of inclusion across the school and help integrate their pupils into the mainstream school for as much of their learning time as their needs allow. The facility also provides access to a base within the school for more intensive support when required.</p> <p>The primary objectives of establishing a new specialist facility at the School are:</p> <ul style="list-style-type: none"> • to provide sufficient places for pupils with neuro-diverse profiles, such as ASD, and associated SEMH and SLCN • to improve the attainment and progress of pupils with SEN • to provide more local options for pupils to attend schools within their local community. <p>The expertise of staff within the facility will provide significant benefits to the rest of the school and other schools in the local area to support all pupils with SEND and create a fully inclusive learning environment.</p>
1.6	How will the proposal affect the proposed admission arrangements for the school?	Pupils within the facility are on the roll of the school and are in addition to the published admission number. Placements are determined by the local authority according to clear criteria.

1.7	Has due regard under the Public Sector Equality Duty (PSED) been given to the need to eliminate discrimination, advance equality of opportunity and foster good relations?	<p>An initial equality impact assessment (EqIA) was undertaken to identify any potential barriers to equality or equality impacts. The local authority concluded that a full EqIA is not required. No potential equality barriers were identified by stakeholders during either the initial consultation or the subsequent representation period following the publication of the statutory proposal.</p> <p>The local authority believes the proposal will have a positive impact on provision at the school. Specialist staff would work with pupils in the facility and also work with teaching staff across the school to develop skills and expertise in responding to SEND needs and creating an inclusive environment.</p> <p>The local authority believes that the facility is well placed to support children with neuro-diverse profiles, such as ASD and associated SEMH and SLCN.</p>
1.8	Will the proposal have an impact on community cohesion?	<p>Across East Sussex there are four primary specialist facilities in mainstream schools for pupils aged 4-11 with ASD as their primary need: Churchwood Primary Academy in Hastings, Grovelands Primary School in Hailsham, Manor Primary School in Uckfield and Wallands Primary School in Lewes who will cater for pupils with SLCN and ASD from September 2022. The local authority SEND forecasts provide clear evidence that we will continue to see an increase in the number of pupils with SEND over the next 10-15 years. The two groups with the biggest increases continue to be ASD and SEMH.</p> <p>The proposal will have a positive impact on provision at the school and the wider community as it will be able to meet the needs of local pupils with neuro-diverse profiles.</p> <p>No potential community impacts were identified by respondents to the consultation.</p>
1.9	Will the proposal have an impact on travel and accessibility?	<p>Although children attending the new facility might be expected to travel from a wider geographical area than the school's usual community area, it is not believed that this will have a significant impact on travel and accessibility as the new facility will cater for up to 12 children at a time, an increase of only 5.7% on the school's current capacity of 210 places.</p>
1.10	Has capital funding been identified and secured to enable the proposals to be implemented?	<p>Capital funding is required to implement the proposal and has been identified in the Council's agreed capital programme.</p>
1.11	Have any particular issues or objections been raised during the representation period which could directly affect the proposal?	<p>By the close of the representation period comments on the proposal were received from one respondent as set out in Appendix 2.</p>

Questions received in response to the statutory notices and the Council's response

Are the pupils being supported through the facility being exposed to the same degree of religious experience as the other pupils?

The children in the All Saints CE Primary School specialist facility will have the same access as all children in the school to the broad and balanced curriculum the school offers and that includes Religious Education (RE). The school's six Christian values are just as applicable to the children within the facility as those in the main school. They will focus on one each term as other children do, learning the accompanying bible stories to support understanding. RE will be taught with the same rigour and weight as in the main school. The inclusivity the opening of this facility demonstrates, is our faith and determination to help others. Whenever possible, the children within the facility will participate in collective worship both in school and in All Saints Parish Church and will be part of the school's Christian community.

Do the staff in the new facility have to be Christians?

All Saints CE Primary is a voluntary controlled school and as such the staff are employees of East Sussex County Council. Staff will be subject to the same East Sussex Human Resources policies as other staff in the school. There is no requirement for staff at All Saints CE Primary School to be Christians. The school are fully compliant with statutory expectations. Should a role stipulate a need for a Christian, a genuine occupational requirement would need to be identified.

Are the school and County Council confident that they are able to meet their responsibilities to equalities and diversity to staff and the wider local community within the context of the diocese influence?

All schools regardless of religious designation must adhere to the Public Sector Equality Duty and all relevant equalities law. There are 71 Church of England Schools across East Sussex. Each school serves its local community and is therefore expected to embrace the diversity of the communities they serve and ensure that the values supporting equality are fully evident in their school. Rigorous inspection frameworks that focus strongly on diversity and equality apply to Church of England schools as well as maintained schools and there is no systematic concern raised by this process regarding Church Schools in general or this school in particular.

All maintained schools and academies are provided with advice and guidance by the Council, which sets out how schools can meet their obligations under the Equality Act and associated legal duties. All schools are invited to participate in a number of networks, which include: the LGBTQ Schools and Youth Network, the Schools and Colleges Race Equality & Anti-Racism Network, and the Mental Health and Emotional Well-being Network. Schools are also supported with advice and information about the inclusion of SEND pupils and those with English as an additional language.