

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

Date: **28 March 2023**

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

Title of report: **Proposed specialist facility at Denton Community Primary School**

Purpose of report: **To seek Lead Member approval to publish a statutory notice in respect of a proposal to establish a new specialist facility at Denton Community Primary School.**

RECOMMENDATIONS: The Lead Member is recommended to:

- 1) approve publication of a statutory notice in respect of a proposal to establish a new specialist facility for up to eight pupils at Denton Community Primary School; and**
- 2) delegate authority to the Director of Children’s Services to amend the proposal prior to its publication if required.**

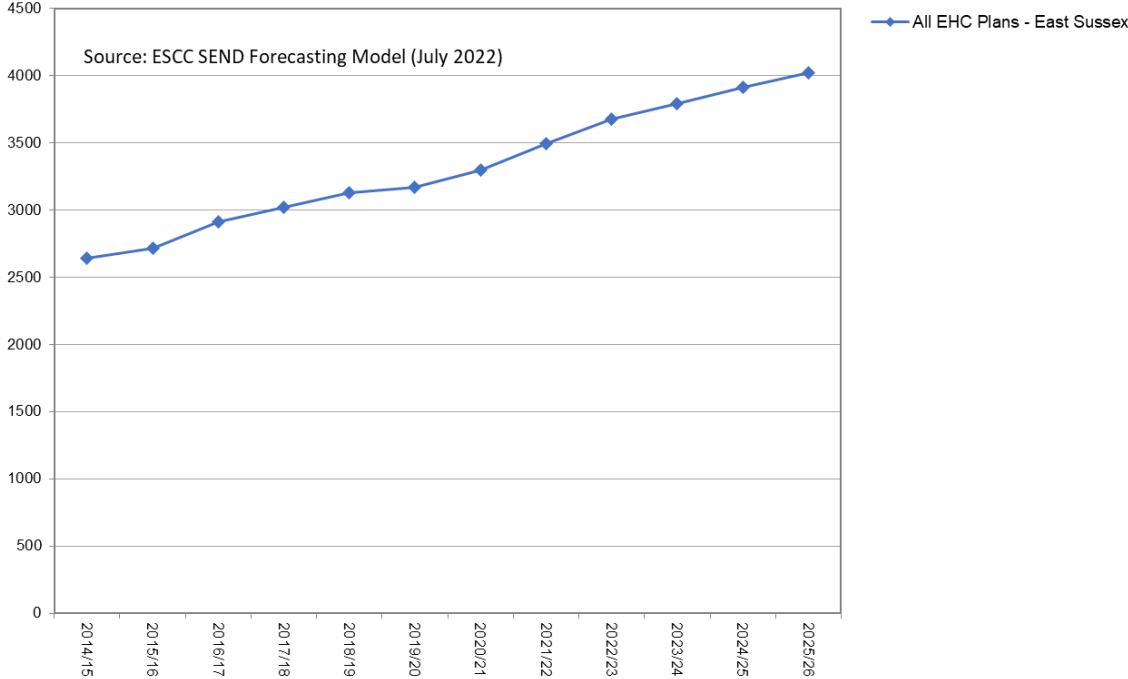
1. Background

1.1 Local authorities have a statutory duty to ensure there are sufficient school places for all pupils, including for those with Special Educational Needs and Disabilities (SEND). East Sussex County Council (the local authority)’s SEND forecasts provide clear evidence that we will continue to see an increase in the number of pupils with SEND in the coming years.

1.2 The numbers of school aged children and young people aged 4-19 in East Sussex with an Education, Health, and Care Plan (EHCP) have been rising steeply in recent years, from 3,126 in 2018-19 to 3,494 in 2021-22, an increase of 12%.

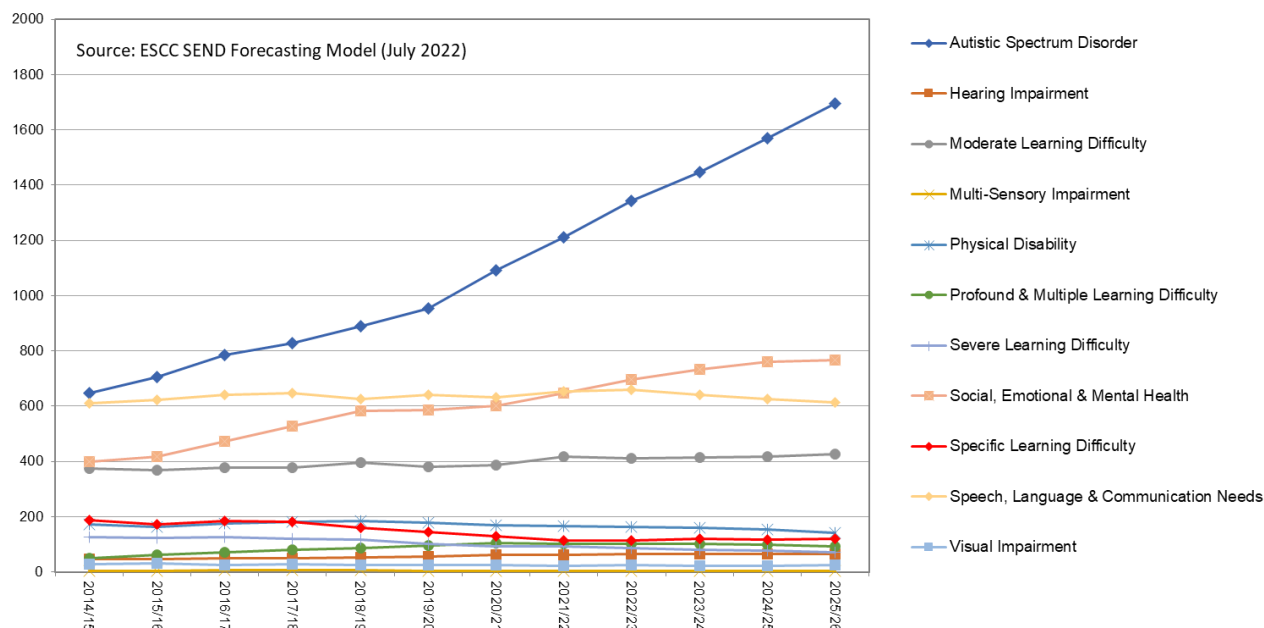
1.3 In the next four years, the local authority forecasts that overall numbers of school-aged children and young people aged 4-19 with EHCPs will grow by around 15%, to approximately 4,000. This is illustrated in Chart 1 below.

Chart 1: Overall Numbers with EHCPs – Age 4-19 years



1.4 Chart 2 shows that the primary need group with the biggest increase continues to be Autistic Spectrum Disorder (ASD), with numbers predicted to rise from 1,211 in 2021/22 to 1,695 in 2025/26, an increase of 40%. Rising ASD pupil numbers reflect increases in diagnosis and an increase in parental and professional awareness of these needs.

Chart 2: EHCPs by Primary Need Group



2. Proposal

2.1 Over recent years, the local authority has been implementing its SEND strategy to develop more places in East Sussex for pupils with SEND. This has included securing new free special schools and the development of more specialist facilities in mainstream schools. Feedback from the local authority's consultation on its SEND place planning strategy in 2021 agreed that a priority for the local authority should be the creation of specialist provision in mainstream primary schools for pupils with ASD in the Newhaven and Peacehaven area. To address this, the local authority would like to establish a facility for up to eight pupils at Denton Community Primary School in Newhaven from September 2023.

2.2 Specialist facilities are located within a mainstream school and provide specific support to a limited number of pupils with an EHCP naming a specific primary special educational need. Pupils within the facility are on the roll of the mainstream school and are in addition to the published admission number. The school receives additional funding from the local authority to support the child. Placements are determined by the local authority according to clear criteria and will be drawn from a wider geographical area than the school's usual catchment.

2.3 Specialist facilities promote an ethos of inclusion and help integrate their pupils into the mainstream school for as much of their learning time as their needs allow. Specialist facilities also provide access to a base within the school for more intensive learning and support when required. The expertise of staff within specialist facilities provides significant benefits to the rest of the school and other schools in the local area to support all pupils with a special educational need and create a fully inclusive learning environment.

2.4 Pupils in the facility will have their special educational needs reviewed regularly in discussion with parents/carers and professionals to ensure that the facility remains the most appropriate placement to meet these needs.

2.5 The school and the local authority have identified the existing modular classroom 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 capital programme for SEND provision.

3. Consultation and statutory process

3.1 The local authority has a statutory duty to secure sufficient school places, including for pupils with SEND. Before a specialist facility can be established at Denton Community Primary School, the local authority is required to follow a statutory process in accordance with Section 19 (1) of the Education and Inspections Act 2006 (EIA 2006) (as amended) and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (as amended) (the Regulations).

3.2 In this regard, the local authority undertook a period of consultation with the Denton school community, local schools, and key stakeholders on the proposed changes. The consultation ran from 13 January to 10 February 2023 and was available on the local authority's consultation hub.

3.3 By the close of the consultation period 46 responses had been received. Respondents were overwhelmingly in favour of the proposal, as can be seen in the breakdown below.

- 41 (89%) support the proposal
- 4 (9%) do not support the proposal
- 1 (2%) did not respond to the question

3.4 Respondents classified themselves as:

- 15 (33%) parents and carers of children at the school
- 5 (11%) members of staff at the school
- 1 (2%) governor at the school
- 19 (41%) members of the community
- 6 (13%) 'other'

3.5 Those in favour of the proposal recognise the need for a specialist facility to support children in the local community, the benefit of keeping children in mainstream schools and that a facility would encourage inclusiveness. Those that do not support the proposal suggested that the facility should be at another school as Denton Community Primary School is too small and that for there to be real benefit the proposal should be on a much larger scale than eight pupils. A summary report setting out all of the responses to the consultation is available for elected members to view in the Cabinet and Members Rooms at County Hall.

3.6 Before the local authority is able to proceed with the proposal, it must publish a statutory notice in accordance with the EIA 2006 and the Regulations, providing interested parties with a further opportunity to comment on or object to the proposal. It is intended that a statutory notice would be published on the local authority's consultation hub in April 2023. 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.

3.7 The local authority has a duty to determine the 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 in June 2023.

4. Equality Impact Assessment

4.1 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 as part of the statutory process to identify any equality implications of the proposal and to address any concerns through appropriate mitigations. The EqIA will be reported to Lead Member prior to a final decision being taken on the proposal.

5. Conclusion and reasons for recommendations

5.1 In conclusion, the local authority has identified a gap in specialist provision in mainstream primary schools for pupils with ASD in the Newhaven and Peacehaven area. The local authority would like to establish a specialist facility for up to eight pupils at Denton Community Primary School, Newhaven from 1 September 2023 to address this need.

5.2 Feedback from the initial consultation was overwhelmingly positive, with 41 out of 46 respondents (89%) supportive of the proposal. For these reasons the Lead Member is recommended to:

- 1) approve publication of a statutory notice in respect of a proposal to establish a new specialist facility for up to eight pupils at Denton Community Primary School; and
- 2) delegate authority to the Director of Children's Services to amend the proposal prior to its publication if required.

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LOCAL MEMBERS

Councillor James MacCleary

BACKGROUND DOCUMENTS

None