

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 13 July 2022
Subject:	Proposal to establish Specialist Resourced Provision at Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School	
Report of	Cabinet Member for Children and Young People	

1.0 Summary

- 1.1 Cabinet is requested to determine a proposal published by the Governing Body of Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School regarding the establishment of specialist resourced provision at the school with effect from September 2022.
- 1.2 The Governing Body proposes to establish a new 10 place specialist resourced provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.

2.0 Background

2.1 Project Safety Valve and SEND Transformation

- 2.2 The Council and the Department for Education (DfE) have entered into a 'Safety Valve' agreement, which includes planning for future provision, working closely with partners to develop a financial plan and forecast model, and identifying measures to increase access to local provision in Bury.
- 2.3 Under the Safety Valve agreement, the Council has been required to provide a transformation plan, detailing investment costs which will provide assurance to the DfE as to how Bury will meet the desired outcomes for children and young people with Special Educational Needs and Disabilities (SEND).
- 2.4 The Council has thus embarked on a programme of SEND transformation, one of the key objectives is to reduce the number of out of borough placements by expanding in borough specialist provision, targeted at the right areas of need.
- 2.5 The Safety Valve agreement includes an action plan to:
 - Strengthen the Special Educational Needs assessment and placements process
 - Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This will include developing a model for forecasting future needs.

- Improve quality and timeliness of management information to enable the evaluation of impact of central services.
 - Support and drive schools in Bury to meet a higher level of need in a more cost-effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority.
 - Remodel financial practice to ensure accurate contributions from appropriate funding sources.
- 2.6 Current and likely future patterns of demand have been analysed and mapped against current provision. This includes the likely pressure for specialist placements for children and young people currently in mainstream schools, which is particularly acute for those with Autism Spectrum Condition (ASC), Social, Emotional and Mental Health (SEMH) needs and Speech, Language and Communication Needs (SLCN), especially in the primary sector.
- 2.7 Bury currently has a significantly lower number of Resourced Provision (RP) places than national and regional averages. The Council wishes to ensure that future provision is targeted at re-balancing its continuum of SEND provision and has expressed its intention to expand RP capacity, particularly at the primary stage.
- 2.8 It is planned to establish six new primary and initially two new secondary Resourced Provisions, potentially growing the secondary capacity in future years. This is cognisant of the two new Special Free Schools coming online in 2023 and 2025, both meeting KS3/4 demand.
- 2.9 Discussions are ongoing with a number of schools to progress further proposals to develop specialist resourced provision. Specifications for the delivery of new provision have been developed to ensure that they are aligned to meeting the needs identified.
- 2.10 The Council has received additional revenue and capital funding through the Safety Valve agreement to support this initiative.
- 2.11 The statutory proposal outlined in this report is therefore one of a number that will be published, and will need to be determined by the Council, in its role as decision maker for such school organisation proposals.
- 3.0 Our Lady of Lourdes Proposal**
- 3.1 The Governing Body of Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School has developed a proposal to establish a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.
- 3.2 It is proposed that the provision will be located in the existing 'Orchard' building situated behind the main school building. It is proposed that pupils will be admitted incrementally from September 2022.

- 3.3 This new Resourced Provision will be part of the school, operationally led and managed by the school.
- 3.4 All pupils accessing a Resourced Provision place will be on roll of the school and have access to both mainstream provision and the Resourced Provision, dependent on their individual needs.
- 3.5 The Published Admission Number (PAN) of the school will not increase. The admission of children to the mainstream school will continue be managed by the local authority's Admissions Team. There are no changes to the admission arrangements as part of this proposal.
- 3.6 The places available in the Resourced Provision will be in addition to the schools Published Admission Number and will be placed in the RP by virtue of being named in the child's education, health and care plan.
- 3.7 Pupils placed at the Resourced Provision will have a range of significant learning difficulties including Autism and /or Speech Language and Communication Needs, some of which will be complex and challenging, usually but not limited to those who have an Education, Health and Care (EHC) Plan. The RP will offer an inclusive provision for pupils who require arrangements over and above that which a mainstream school can provide through an EHC plan.
- 3.8 Pupils will be admitted if their EHCP identifies developmental difficulties of a significant to severe nature but are able to integrate and be part of a mainstream school community. These difficulties may be particularly characterised by communication difficulties, which may show themselves in speech and language difficulties as well as in more complex interactions with both adults and peers. There may also be a more fundamental social or cognitive basis to the difficulties.
- 3.9 The decision to place a pupil or young person at the Provision shall be made by the Local Authority's SEND Panel, or sub-panel thereof. All admissions will be determined by the Local Authority in accordance with the SEN and Disability Code of Practice. Consultation with the school will be in accordance with these documents before the Local Authority makes a decision about placement. The majority of admissions take place at the start of the academic year. Additional placements may be made throughout the year. The Local Authority will remain responsible for holding an overview of pupils placed at the Provision.
- 3.10 The provision will be located in the existing 'Orchard' building and therefore will require minimal capital investment. A start-up funding package of £20,000 has provisionally been agreed subject to Cabinet approval of the proposal.
- 3.11 The provision will be funded, in accordance with the Education and Skills Funding Agency (ESFA) requirements, for an agreed number of places.

3.12 Place funding will be determined as outlined in the High Needs Operational Guidance. The Local Authority, through the High Needs Block of the Dedicated Schools Grant (DSG), will provide Top-Up funding, up to the agreed rate for Occupied places.

3.13 There is a requirement that the Governing Body of the School and the Local Authority will enter into an annual Service Level Agreement in relation to the delivery of the Specialist Resourced Provision.

4.0 The Statutory Process

4.1 The Local Authority has a statutory duty to constantly review the specialist provision available for children and young people with Special Educational Needs and Disabilities (SEND), whilst also ensuring that there are sufficient specialist places available to meet the needs of the growing SEND population.

4.2 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (*'the Prescribed Alterations Regulations'*) set out the statutory process to be followed to establish SEND provision at Community and Voluntary Aided (VA) schools. Ordinarily the LA will be the decision maker on such proposals.

4.3 There are different arrangements in place for Academy Trusts wishing to make a significant change. The Department for Education (DfE) has produced guidance "*Making significant changes to an open academy and closure by mutual agreement*" which sets out the process that Academy Trusts must follow when proposing to make significant changes. Proposals to establish SEND provision requires the submission of a business case to the DfE. Whilst the LA must be consulted, decisions on academy proposals will be made by the DfE.

4.4 The schools identified to develop proposals to establish specialist resourced provision include Community, Voluntary Aided and Academies and will therefore be subject to the different statutory processes.

4.5 The statutory process for making prescribed alterations to maintained schools has four stages:

Stage	Description	Timescales	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision

Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker
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- 4.6 In accordance with section 19(3) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 Governing Bodies of Voluntary Aided schools can publish proposals to make a prescribed alteration to establish, remove or alter SEN provision. The LA is the decision maker on such proposals.
- 4.7 On 7 June, the Governing Body of Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School published a statutory notice of a proposal to establish Special Educational Needs provision in the form of a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs with effect from September 2022.
- 4.8 This launched a statutory four-week representation period of formal consultation with stakeholders.
- 4.9 When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.
- 4.10 The Our Lady of Lourdes notice and proposal are contained at Appendix A and B respectively.
- 4.11 In accordance with School Organisation regulations, within one week of the date of publication, the proposer must send a copy of the proposal to:
- the GB/LA (as appropriate);
 - the parents of every registered pupil at the school - where the school is a special school;
 - if it involves or is likely to affect a school which has been designated as having a religious character:
 - o the local Church of England diocese;
 - o the local Roman Catholic diocese; or
 - o the relevant faith group in relation to the school;
 - proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and

- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must also send a copy to the person requesting it.

5.0 Outcome of the consultation on the Our Lady of Lourdes proposal

- 5.1 At the time of completion of the report no representations regarding the proposal had been received. The consultation period concludes on 5 July 2022. Any responses received after that time will be subject to an addendum report.

6.0 The Decision Making process

- 6.1 In accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, Cabinet is now requested to determine the proposal. Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

- 6.2 In determining proposals, decision-makers must take account of the following:

- Decision makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received.
- Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).
- Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.
- Decision-makers must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
 - foster good relations between people who share a relevant protected characteristic and people who do not share it.
- Decision-makers should consider the impact of a proposal upon community cohesion.

- Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.
- Decision-makers should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.
- Decision-makers should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

6.3 When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions (such as the granting of planning permission) being met.

7.0 Recommendation(s)

That:

- Cabinet notes the outcome of the consultation.
- Cabinet approves the proposal to establish a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.

8.0 Reasons for recommendation(s)

8.1 The proposal will build on the good standards for teaching and learning already in place at the school. The development will provide places for children and young people with SEND within the Resourced Provision. This development will not have any negative impact on other schools, academies and educational institutions in the area.

8.2 The proposed resource base will not replace existing provision but will supplement and improve provision across the borough, in line with the Safety Valve agreement and development of a broader continuum of provision through the programme of SEND transformation. The addition of the Special Resource Base to the school will not have a direct impact on admissions or provision at other schools within the area but will have a positive impact in the capacity and quality of outreach support to be offered to other schools.

8.3 Long-term value for money will be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This will free special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out of borough provision. Increased capacity for outreach will deliver support for pupils in mainstream settings, leading to fewer pupils being transferred to specialist provisions and improving inclusion opportunities in mainstream schools.

9.0 Alternative options considered and rejected

9.1 The proposal supports the Council's programme of SEND transformation, in expanding in borough specialist provision, targeted at the right areas of need.

Report Author and Contact Details:

Name: Paul Cooke

Position: Strategic Lead

Department: Education services

E-mail: p.cooke@bury.gov.uk

Links with the Corporate Priorities:

The proposal will support key ambitions of the Let's do it strategy:

- A better future for the children of the borough
- A better quality of life
- A chance to feel more part of the borough
- Building a fairer society that leaves no-one behind

Equality Impact and Considerations:

The outcomes of the initial equality analysis is positive.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

- a. A public authority must, in the exercise of its functions, have due regard to the need to.
- b. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- c. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- d. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services

An equality impact assessment has been undertaken and identified no areas of negative impact in relation to protected characteristics

Environmental Impact and Considerations:

There are no environmental impacts for this decision

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Impact on stakeholders	Full consultation and engagement
Opportunity to improve services to the public	
Opportunity to improve the local offer to children and young people with SEND	

Legal Implications:

This proposal has been subject to consultation in accordance with section 19(3) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This legislation allows Governing Bodies of Voluntary Aided schools can publish proposals to make a prescribed alteration establish, remove or alter special educational needs provision. The Local Authority is the decision maker on such proposals.

Members are asked to consider the consultation outcomes.

Financial Implications:

The Council has had a significant deficit on its Dedicated Schools Grant for a number of years and in 2020/21 became part of the DfEs Project Safety Valve, with a target to eradicate the deficit by 2025/26. The opening of additional resourced provision within Borough is a key part of the strategy of reducing this deficit as it brings children's education back in Borough. The original modelling for Our Lady of Lourdes was based upon the opening of 12 places across both key stage one and two within the 22/23 academic year. This proposal relates to phase one which can happen relatively quickly with little capital investment to make changes to existing accommodation.

The phasing of both the costs and savings attributable to these places will be updated within the reporting of the project safety valve to the DfE once they are confirmed. There is funding within the children's capital programme for the alterations that are required.

Background papers:

Bury Council Cabinet meeting, 24.3.21

<https://councildecisions.bury.gov.uk/documents/s26550/Dedicated%20Schools%20Grant%20DSG%20Deficit%20Recovery.pdf>

Department for Education - Dedicated Schools Grant 'Safety Valve' Agreement: Bury

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971225/Dedicated_schools_grant_Safety_Valve_agreement_-_Bury.pdf

DfE guidance "Making significant changes ('prescribed alterations') to maintained schools"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf

DfE guidance "*Making significant changes to an open academy*"

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057467/Making_significant_changes_to_an_open_academy_January_2022.pdf

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
SEND	Special Educational Needs and Disabilities
ASC	Autistic Spectrum Conditions
SLCN	Speech Language and Communication Needs

APPENDIX A

OUR LADY OF LOURDES RC PRIMARY SCHOOL

RUDGWICK DRIVE

BURY BL8 1YA

STATUTORY NOTICE FOR A PROPOSAL TO ESTABLISH SPECIAL EDUCATIONAL NEEDS PROVISION

Notice is given in accordance with section 19(3) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that the Governing Body of Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School intends to make a prescribed alteration to Our Lady of Lourdes RC Primary School, Rudgwick Drive, Bury BL9 1YA, with effect from 1 September 2022.

The Governing Body proposes to establish a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.

The provision will be located in the existing 'Orchard' building situated behind the main school building. Pupils will be admitted incrementally from 2022.

It is not anticipated that the proposal will have any impact on other educational facilities within the local area. The proposal has been made to accommodate demand for Resourced Provision (RP) places.

This notice is an extract from the complete proposal. The complete proposal is published on the school's website at olobury.com. Copies can also be requested by telephoning 0161 761 2026 or by emailing olobury@bury.gov.uk

Any person may object to or make comments on the proposal by sending them to Rachael Stirk, Bury Council, Department for Children & Young People, Education Services, 3 Knowsley Place, Duke Street, Bury BL9 0EJ. Tel: 0161 253 5685, Email: schoolorganisation@bury.gov.uk.

Comments and objections should be sent by no later than Tuesday 5th July 2022.

Signed: Mr David Jackson (Chair of Governors)

Date: 7 June 2022

APPENDIX B

Statutory Proposal for a Prescribed Alteration at Our Lady of Lourdes Roman Catholic (Voluntary Aided) Primary School

Proposal

The Governing Body proposes to establish a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.

School and Local Authority details

School: Our Lady of Lourdes RC Primary School, Rudgwick Drive, Bury BL9 1YA

Local Authority: Bury Council, Department for Children & Young People, 3 Knowsley Place, Duke Street, Bury BL9 0EJ

Description of proposed prescribed alteration

The Governing Body proposes to establish Special Educational Needs provision in the form of a new 10 place Specialist Resourced Provision for Key Stage 2 pupils with Autistic Spectrum Conditions and Speech Language and Communication Needs.

The proposed implementation date of the Resourced Provision is 1 September 2022.

The provision will be located in the existing 'Orchard' building situated behind the main school building. Pupils will be admitted incrementally from September 2022.

It is not anticipated that the proposal will have any impact on other educational facilities within the local area. The proposal has been made to accommodate demand for Resourced Provision (RP) places.

Bury Council is developing a wide range of specialist provision across the borough for children and young people with a range of Special Educational Needs and Disabilities (SEND). To enable the Council to continue to meet current and future demand existing specialist provisions are being expanded/redesignated and new specialist provision, including Resourced Provisions, are being established. The Council has invited schools within the borough to express an interest in developing proposals to establish provision to meet identified needs across the borough.

Resourced Provisions have a wide range of specialist skilled staff who have expertise within the field that the provision caters for.

All pupils accessing a Resourced Provision place will be on roll of the school and have access to both mainstream provision and the Resourced Provision, dependent on their individual needs.

This new Resourced Provision will be part of the school, operationally led and managed by the school.

Department for Education (DfE) Guidance on Resourced Provisions states the following:

- *Resourced Provisions are where places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school.*
- *Pupils are on the roll of the mainstream school*
- *Resourced Provision schools will receive additional funding from the local authority specifically for the purpose of the provision.*
- *They cater for a specific type or types of SEN*
- *They are usually for pupils with EHC plans but could include pupils with SEN but without an EHC Plan.*
- *Pupils usually spend most of their time in mainstream classes.*
- *They only attend the RP facilities for individual support, to learn a specific skill, to receive medical or therapeutic support or to access specialist equipment. The facilities can be in a suite or dispersed throughout the school.*
- *The Published Admission Number for the school will remain the same, but an agreed number of 'additional places' will be created, but subject to admission through the Education Health & Care Plan (EHCP) referral process, rather than the schools Admission Arrangements*

The Published Admission Number (PAN) of the school will not increase. The admission of children to the mainstream school will continue be managed by the local authority's Admissions Team. There are no changes to the admission arrangements as part of this proposal.

Pupils placed at the Resourced Provision shall have a range of significant learning difficulties including Autism and /or Speech Language and Communication Needs, some of which will be complex and challenging, usually but not limited to those who have an Education, Health and Care Plan. The RP will offer an inclusive provision for pupils who require arrangements over and above that which a mainstream school can provide through an EHC plan.

Pupils will be admitted if their EHCP identifies developmental difficulties of a significant to severe nature but are able to integrate and be part of a mainstream school community. These difficulties may be particularly characterised by communication difficulties, which may show themselves in speech and language difficulties as well as in more complex interactions with both adults and peers. There may also be a more fundamental social or cognitive basis to the difficulties.

Objectives of the proposal

When considering any reorganisation or establishment of provision that the LA recognises as reserved for pupils with special educational needs, proposers need to demonstrate how the proposed arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The proposal will build on the good standards for teaching and learning already in place at the school. The development will provide places for children and young people with SEND within the Resourced Provision. This development will not have

any negative impact on other schools, academies and educational institutions in the area.

The proposal will provide:

1. local mainstream educational provision for pupils requiring specialist support and intervention to meet their special educational needs.
2. pupils' appropriately planned learning opportunities and activities to address the defined needs of pupils.
3. access to learning for those pupils in the target group. This shall include access:
 - To the appropriate and relevant National Curriculum programmes of study through inclusive Quality First Teaching for part of the school day, differentiated according to individual needs; and
 - To wider opportunities that promote the spiritual, moral, cultural, mental and physical development of pupils at the school e.g. assemblies and out of school activities.
 - To learning and teaching to address identified need as appropriate e.g. emotional resilience.
 - To provide a wide range of professional support across education, health and social care dependent on individual needs, in order to support pupils and remove barriers to learning.
 - To personalise specialist support and appropriate intervention, structured in cycles of Assess, Plan, Do, Review and which are overseen by the school SENCO.

Pathways into the Provision

The decision to place a pupil or young person at the Provision shall be made by the Local Authority's SEND Panel, or sub-panel thereof. All admissions will be determined by the Local Authority in accordance with the SEN and Disability Code of Practice. Consultation with the school will be in accordance with these documents before the Local Authority makes a decision about placement. The majority of admissions take place at the start of the academic year. Additional placements may be made throughout the year. The Local Authority will remain responsible for holding an overview of pupils placed at the Provision.

Effect on other educational institutions within the area

The establishment of the resourced provision base will not create an overall increase in the number of places in the primary sector but will provide an additional specialist provision for children with Autistic Spectrum Conditions and Speech Language and Communication Needs.

The proposed resource base will not replace existing provision but will supplement and improve provision across the borough. The addition of the Special Resource Base to the school will not have a direct impact on admissions or provision at other schools within the area but will have a positive impact in the capacity and quality of outreach support to be offered to other schools.

Consultation

The proposal to establish a new Resourced Provision will be subject to a full statutory consultation process.

Following the publication of a Statutory Notice on 7 June 2022, the statutory four week Representation Phase will run from 7 June 2022 to 5 July 2022. All representations will be analysed and considered prior to a report being presented to the Council's Cabinet on 13 July 2022.

Project costs and indication of how these will be met, including how long-term value for money will be achieved

The provision will be located in the existing 'Orchard' building and therefore will require minimal capital investment.

The provision will be funded, in accordance with the Education and Skills Funding Agency (ESFA) requirements, for an agreed number of places

Place funding will be determined as outlined in the High Needs Operational Guidance. The Local Authority, through the High Needs Block of the Dedicated Schools Grant (DSG), will provide Top-Up funding, up to the agreed rate for Occupied places.

There is a requirement that the Governing Body of the School and the Local Authority will enter into an annual Service Level Agreement in relation to the delivery of the Specialist Resourced Provision.

Long-term value for money will be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This will free special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out of borough provision. Increased capacity for outreach will deliver support for pupils in mainstream settings, leading to fewer pupils being transferred to specialist provisions and improving inclusion opportunities in mainstream schools.

Evidence of demand

The Local Authority has a statutory duty to constantly review the specialist provision available for children and young people with Special Educational Needs and Disabilities (SEND), whilst also ensuring that there are sufficient specialist places available to meet the needs of the growing SEND population.

Bury has experienced a significant increase in demand for Special Educational Needs and Disabilities (SEND) provision over the last 10 years. It is projected that demand will continue to grow across all sectors.

Bury Council and the Department for Education (DfE) have entered into a 'Safety Valve' agreement, which includes planning for future provision, working closely

with partners to develop a financial plan and forecast model, and identifying measures to increase access to local provision in Bury.

The Council has thus embarked on a SEND transformation programme and one of the key objectives is to reduce the number of out of borough placements by expanding in borough specialist provision, targeted at the right areas of need.

The key aims of the transformation programme will include:

- educating Bury children in their own communities wherever possible
- ensuring most work with families is undertaken in community settings
- empowering communities to act to prevent escalation to statutory services
- reducing dependency on costly and sometimes ineffective provision
- helping people to receive and exit statutory services when needed, as rapidly as possible focusing money where it has most impact
- reducing our financial deficit

The Safety Valve agreement includes an action plan to:

- Strengthen the Special Educational Needs assessment and placements

process

- Ensure robust planning for future provision, including reducing the use of independent school placements by increasing the availability and suitability of local provision within Bury. This will include developing a model for forecasting future needs.
- Improve quality and timeliness of management information to enable the evaluation of impact of central services.
- Support and drive schools in Bury to meet a higher level of need in a more cost-effective way within mainstream settings, while maintaining the quality of provision. Develop a culture in which demand is more effectively managed throughout the authority.
- Remodel financial practice to ensure accurate contributions from appropriate funding sources.

Within the Bury school population, the January 2022 census showed that 17% of pupils have SEND (5,026 pupils). This was made up of 12.7% (3,713 pupils) who have their needs met at SEN Support level, and 4.5% of the school population who have an Education, Health and Care plan (EHCP) (1,313 pupils).

There has been a consistently high number and percentage of children in Bury with an EHCP over time and at a level that is significantly higher than national, regional and statistical neighbour benchmarks; and the gap is increasing. Nationally, the percentage of pupils with an EHCP has increased to 3.7%.

Between the January 2021 and January 2022 Census there was an increase in the number of pupils on EHCPs of 91 which equates to 0.4%. However, there was a reduction in pupils on 'SEN Support' whereas nationally there was a 0.1% increase.

The types of primary need that are most common in Bury are social, emotional and mental health needs (SEMH) 23%; speech, language and communication needs (SLCN) 21%; moderate learning difficulties (MLD) 14.2%; specific learning difficulties (SPLD) 11% and autism (ASC) 12%. The increase in the number of EHCPs is mainly in the categories of ASC, SEMH and SLCN, which is in line with national trends. Nationally, the most common primary SEND need is ASC.

The Council has analysed the current and likely future patterns of demand and mapped these against current provision. This includes the likely pressure for specialist placements for children and young people currently in mainstream schools. This is particularly acute for those with Autism spectrum conditions (ASC), Social, emotional and mental health (SEMH) needs and Speech, language and communication needs (SLCN) and especially in the primary sector.

Bury currently has a significantly lower number of RP places than national and regional averages. The Council wishes to ensure that future provision is targeted at re-balancing its continuum of SEND provision and has expressed its intention to expand Resource Provision (RP) capacity, particularly at the primary stage, and has invited schools within the borough to express an interest in developing proposals to establish provision.

The Council has received additional revenue and capital funding through the Safety Valve agreement.

Procedure for making representations (objections and comments)

Within four weeks from the date of publication of this proposal, 7 June 2022, any person may object to or make comments on the proposal by sending them to Rachael Stirk, Bury Council, Department for Children & Young People, Education Services, 3 Knowsley Place, Duke Street, Bury BL9 0EJ. Tel: 0161 253 5685, Email: schoolorganisation@bury.gov.uk.

Comments and objections should be sent by no later than Tuesday 5th July 2022.