



Mayor and Cabinet

Report title: Permission to consult on the proposal to open a new SEN Provision at Launcelot Primary School

Date: 8 March 2023

Key decision: Yes

Class: Part 1

Ward(s) affected: Whole Borough

Outline and recommendations

This report seeks the permission of Mayor and Cabinet to conduct the statutory consultation on the proposal to add a Special Educational Needs (SEN) provision catering for up to 16 children with Autism Spectrum Disorder (ASD) at Launcelot Primary School with an anticipated implementation of January 2024.

The Mayor and Cabinet are recommended:

- to note the report and provide permission for officers to conduct the statutory Publication and period of Representation for consultation on the proposal, prior to reporting back to Mayor and Cabinet seeking a Decision.

Timeline of engagement and decision-making

17 March 2023 – Publication of proposal

17 March – 12 May 2023 – Period of Representation (consultation period)

21 June – Mayor & Cabinet decision

January 2024 – Planned Implementation

1. Summary

- 1.1 The report seeks the permission of Mayor and Cabinet for officers to publish a statutory notice and conduct the period of representation relating to the proposal to add a SEN provision at Launcelot Primary School for up to 16 children with ASD, with an implementation date of January 2024.

2. Recommendations

- 2.1 The Mayor and Cabinet are recommended:
- 2.2 to note the report and provide permission for officers to conduct the statutory publication and period of representation for consultation on the proposal for the addition of a SEN provision catering for up to 16 children with ASD at Launcelot Primary School with an implementation date of January 2024, and conduct the relevant period of representation, before presenting the results of this consultation back to Mayor and Cabinet for a decision.

3. Policy Context

- 3.1 The proposal to add a SEN provision at Launcelot Primary School will contribute to the following key priority outcome of Lewisham's Corporate Strategy 2022-2026:
- 3.2 We will continue the fantastic work of the last four years, supporting our schools to improve and increasing the opportunities for young people in Lewisham within our inclusive, comprehensive schools.
- 3.3 The Local Authority has a duty to ensure the provision of sufficient places for pupils of statutory school age

Education Strategy 2022-27

- 3.4 The Lewisham Education Strategy has a priority focussed on providing 'A place in a good school/setting for all of our children and young people'. This specifically refers to effective planning of high-quality school places (including for SEND) to meet demand through continuous monitoring and review of population projections.
- 3.5 Within this the strategy also highlights the need to review the provision we have within the borough that caters for children and young people with special educational needs and disabilities (SEND), to ensure that the correct provision is provided in the right place at the right time.

School Organisation Requirements

- 3.6 Proposals to add a SEN provision at a school must comply with the provisions set out in *The Education and Inspections Act 2006 (EIA 2006)* and *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*. These set out the statutory process for making changes to a school, and statutory guidance on making changes to a maintained school indicates 4 stages to making a prescribed alteration to a maintained school. These are:
- 1) Publication of a Statutory Notice
 - 2) Representation period
 - 3) Decision making
 - 4) Implementation
- 3.7 In the case of a community school (which Launcelot Primary School is) the Local

Authority must propose and conduct the publication and representation periods, with the Mayor and Cabinet (as statutory decision maker) then making the decision.

4. Background

- 4.1 In 2019, Lewisham Council started the coproduction and consultation process for the Local Area SEND Strategy which was due to be launched in 2020. From the consultation a number of areas were highlighted as gaps in current provision across the Council. One of these was around sufficiency and place planning. Therefore, as part of the SEND Strategy there is a work stream on Sufficiency, and Place Planning. To ensure that the plan reflected the current picture of gaps in provision a number of data exercises were carried out.
- 4.2 The data continues to show an increasing demand for specialist provision for children and young people with Autism. Currently over one third of the number of EHC plans that are issued by Lewisham include Autism as an identified need.
- 4.3 As such the proposal to add a SEN provision at Launcelot Primary School comes as part of a wider piece of work that the council is undertaking to enable more Lewisham young people to be educated in Lewisham schools. This follows on from recent decisions to add a SEN provision into both Edmund Waller Primary School and Forster Park Primary School and to expand Drumbeat School, which together with this proposal is providing an additional 100 SEN places over the next 12 months.
- 4.4 Our ASD Special School (Drumbeat) along with our ASD resource bases continue to receive large numbers of consultations for places. At present we are having to find Independent Placements outside of Lewisham for a high proportion of these pupils, as we do not currently have sufficient capacity within our ASD provisions.
- 4.5 All provisions for students with autism are currently over their commissioned numbers and the demand for these specialist places continue to grow.
- 4.6 The objective of the proposal is to help ensure sufficiency of places offering the right level of support to students with a primary need of ASD within the Borough.
- 4.7 This proposal forms part of Lewisham Council's response to the statutory obligation to provide sufficient school places.

Implementation of the proposal

- 4.8 The addition of the resource base will allow the school to cater for up to 16 pupils with ASD over time. With the first pupils arriving in January 2024.
- 4.9 The provision will utilise spare capacity within the school site, with some minor modifications made to ensure that the spaces are fit for purpose.

Effect on other educational institutions in the area

- 4.10 It is not anticipated that the proposed resource base will have any impact on other educational institutions within the local area. The proposal has been made to accommodate the continued increase in students diagnosed with ASD and requiring additional support.

5. Financial implications

Capital Financial Implications

- 5.1 It is estimated that £95k capital funding is required for this project. This is available within the capital programme as is currently unallocated within CYP resources.

Revenue Financial Implications

- 5.2 The report outlines the proposed introduction of a new resource base for SEN provision of up to 16 ASD places at Launcelot Primary School, with an implementation date of January 2024.
- 5.3 In line with all Local Authorities, SEN need is currently outstripping the provision available especially within Lewisham.
- 5.4 The proposed establishment of the resource base is part of a mitigation plan being progressed with Schools Forum and Schools to meet demand and reduce costs especially those associated with high cost out of borough placements
- 5.5 There are no direct financial implications for the General Fund. However, transport is funded from the General Fund, it is anticipated that should a pupil placed at this provision with transport associated costs, the position would be more favourable than an out borough placement
- 5.6 The revenue income and expenditure for any additional places forms part of the High Needs Block within the Dedicated Schools Grant funding. As previously stated, this provision should support longer term Lewisham strategy towards reducing costs.
- 5.7 For 2024/25, there will be a pressure on the High Needs Block as a consequence of practicalities of establishing the ASD unit and the basis on which funding allocations are made to Local Authorities however, longer term, the unit is anticipated to support delivering better value.

6. Legal implications

- 6.1 The recommendations in this report are consistent with the Council's statutory obligations set out in the Human Rights Act 1998 (which safeguards the rights of children in the borough to educational provision), Section 14 of the Education Act 1996 (which obliges each local authority to ensure that there are sufficient primary and secondary school places available for its area) and the Children Act 2014 (which requires local authorities to keep the provision for children and young people with SEN and disabilities under review).
- 6.2 The Education and Inspections Act 2006 places requirements on local authorities to make their significant strategic decisions concerning the number and variety of school places in their localities against two overriding criteria:
- to secure schools likely to maximise student potential and achievement;
 - to secure diversity and choice in the range of school places on offer.

Section 19 of the Education and Inspections Act 2006 provides that where a local authority or the governing body of a maintained school proposes to make a prescribed alteration to a maintained school and it is permitted to make that alteration, it must publish proposals.

- 6.3 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 provide that a change in designation of a SEN provision at a maintained school is a prescribed alteration which means that statutory proposals have to be published, and there must be a period of four weeks for representations before a decision is made. Proposals for the change in designation of a SEN provision at a maintained school will be determined by the local authority as decision maker.

- 6.4 Any decision to change the designation of the SEN provision at Launcelot Primary School should be taken in the light of the representations received to the statutory consultation at Appendix 4 and the DfE Guidance for Decision-Makers attached at Appendix 3.
- 6.5 Mayor and Cabinet must make a decision on the proposals within a period of two months of the end of the representation period otherwise the proposals must be referred to the Schools Adjudicator.
- 6.6 In accordance with the Council's Constitution, decisions relating to alteration of schools and in relation to the publication of any notice in relation to schools are to be made by Mayor & Cabinet.

7. Equalities implications

- 7.1 This report supports the delivery of the Council's Equalities programme by ensuring that all children whose parents/carers require a place in a Lewisham school will be able to access one.
- 7.2 Specifically this report seeks to consult on the expansion of the SEN provision within the borough to ensure that we are best delivering for the current cohort of young people in Lewisham, and therefore ensures that we are taking due regard for their needs.

8. Climate change and environmental implications

- 8.1 The proposed reduction in students travelling long distances to appropriate provision, and a lesser reliance on transport will have a positive benefit regarding emissions and helping tackle the climate emergency.

9. Crime and disorder implications

9.1 There are no crime and disorder implications.

10. Health and wellbeing implications

- 10.1 The proposed provision of additional school places for children with ASD within Lewisham will have a positive impact on the health and wellbeing of children and their families. Reducing the amount of travel that they have to endure, and also ensuring that they are educated closer to home and their home communities.

11. Glossary

Term	Definition
ASD	Autism Spectrum Disorder
Representation	Period in which people can make comments. Like consultation

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