

Report of the Strategic Director of Children's Services to the meeting of Executive Committee to be held on 2 March 2021

Subject:

DP

Ensuring the Sufficiency of Specialist places for Children and Young People with Special Educational Needs and Disabilities (SEND) across the District

Summary statement:

This report asks the Executive Committee to:

Approve the reutilisation of the District Pupil Referral Unit (DPRU) premises, to enable specialist provision to be increased across the District, in line with the SEND Sufficiency Strategy

EQUALITY & DIVERSITY

S149 of the Equality Act 2010 (the Public Sector Equality Duty) provides as follows:

(1) A public authority must, in the exercise of its functions have due regard to the need to;

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to;

a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due

regard, in particular, to the need to;

- a) tackle prejudice, and
- b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

2. The Council must ensure that it has sufficient information to enable it to identify whether a proposal, if implemented, would disproportionately affect particular groups with relevant protected characteristics and if so whether any such adverse impact can be avoided or mitigated.

3. The courts have established a number of principles which the Council should take into account in making decisions:

- the duty means that the potential impact of a decision on people with different protected characteristics must always be taken into account as a mandatory relevant consideration
- where large numbers of vulnerable people, many of whom share a protected characteristic, are affected, consideration of the matters set out in the duty must be very high
- even if the number of people affected by a particular decision may be small, the seriousness or the extent of discrimination may be great. The weight given to the aims of the duty is not necessarily less when the number of people affected is small.

The schools and any proposed new provision will continue to cater for the needs of all children and serve its community.

An Equalities Impact Assessment has been carried out and can be seen in Appendix 1

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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

This report asks the Council Executive to:

Approve the reutilisation of the District Pupil Referral Unit (DPRU) premises, to enable specialist provision to be increased across the District, in line with the SEND Sufficiency Strategy

2. BACKGROUND

- 2.1 Bradford Metropolitan District Council has a statutory duty under The Education Act 1996 Section 14(1) to ensure that it provides sufficient school places for all pupils who are resident within Bradford.
- 2.2 The Local Authority has a duty to make arrangements for the provision of education for children unable to attend school because of exclusion, illness or otherwise. It also has specific duties to ensure that there is sufficient specialist provision for pupils with SEND where an Education Health and Care (EHC) plan has determined that their needs should be met in specialist provision.
- 2.3 Bradford District has experienced a significant increase in demand for Special Educational Needs and Disabilities (SEND) provision in the last 10 years.
- 2.4 Over recent years, the Local Authority has created more than 700 additional specialist places across the District in response to the continued growth in the numbers of children and young people requiring specialist provision.
- 2.5 In January 2021 the number of children and young people with an Education, Health and Care Plan (EHCP) stands at 4664 up from 3860 in January 2020 which is a 20% increase. The trend is set to continue to increase for the next 3 years and is predicted to increase by 5% each year. Current projections indicate that an additional 320 to 360 specialist places will be required over the next three years.
- 2.6 The Special School estate is at full capacity. There is a need to develop specialist Resourced Provision within mainstream schools, particularly in the secondary phase, to relieve the pressure on the Special Schools for children who are able to access a mainstream curriculum for some of the time.
- 2.7 Across the District there is a lack of available premises to support the SEND Sufficiency Strategy.
- 2.8 Bradford District Pupil Referral Unit (DPRU) is registered as an 11-16 PRU for up to 180 places; and operates from premises on Anerley Street BD4. This is a type of Alternative Provision set up by the Council to provide suitable full time education for permanently excluded pupils.
- 2.9 There are currently 4 students in DPRU all of whom are in Year 11; 3 have an Education, Health and Care Plan (EHCP) and three of the four students are dual registered with a Bradford school. Provisional transition plans for all four students post 16 are in place. These have been discussed with parents and for the three students with an EHCP, individual consultations including parents/carers must take

place as part of the statutory process

- 2.10 The PRU was inspected in March 2017 and judged to be inadequate and placed into Special Measures; it became subject to an academy order in November 2018.
- 2.11 In May 2019 the LA made the decision to implement a transitional funding plan to reduce the commitment from the High Needs Block (HNB) to DPRU as there was no identified need to fund places to meet the LAs statutory duties. The transitional funding was to allow the PRU, over the course of the 19/20 academic year, to develop a traded model with secondary schools.
- 2.12 From September 2020 the transitional funding from the HNB has ceased and secondary schools have not opted to purchase places, leaving the provision in a financially unviable position. In effect, from the 1st September 2020, the DPRU does not have an identified budget. However, the HNB continues to fund the DPRU. The Academy Order prevented the LA from exercising any other intervention powers. The main purpose of the Order was to focus on steps to facilitate the conversion of the PRU into an Alternative Provision Academy.
- 2.13 Due to no academy sponsor being identified or a sustainable financial plan, the LA received written confirmation from the Regional Schools Commissioner on 6th November 2020; advising the Minister had confirmed the revocation of the Academy Order pursuant to section 5D Academies Act 2010. The letter stipulated an expectation that following revocation District Pupil Referral Unit will close.
- 2.14 For these reasons, and that the District Pupil Referral Unit has no income but continued expenditure and is being supported financially by the High Needs Block by approximately £85,000 per month, on 4 January 2021 the Strategic Director of Children's Services took the decision to close the District Pupil Referral Unit on 31 March 2021, using delegated powers under section 14.20 of the Council constitution. The proposal is to reutilise the premises for much needed SEN Resourced Provisions - Local Authority led, to provide additional secondary and primary resourced provision places. The remainder of the site is proposed to expand existing provision to support children with additional needs.
- 2.15 Since September 2020 part of the DPRU premises has been used as a split site for Oastlers Special School until their new site in Keighley becomes available (expected to be available in May 2021). This is to accommodate the growing numbers of students with Social, Emotional and Mental Health needs. Without being able to use this space, children would have had to be educated out of the Bradford District.
- 2.16 The successful occupancy by Oastlers has demonstrated that the building is able to be used for multiple occupancy with no detrimental effect on Oastlers or DPRU students.

2.17 Rationale

- 2.18 The High Needs Block cannot continue to support an £85,000 deficit each month (see section 4 Finance) in the DPRU budget when this funding stream is under considerable pressure, due to the increasing numbers of children with an EHCP.

- 2.19 The closure of the DPRU will have limited impact on students as there are only 4 on roll and these children can be accommodated in suitable and appropriate education provision to meet their needs post 16.
- 2.20 A formal consultation began with trade unions and staff on the 15th January pursuant to S188 Trade Union and Labour Relations (Consolidation) Act 1992. The consultation includes consultation about ways of avoiding dismissals, reducing the number of employees to be dismissed, and mitigating the consequences of dismissals. Staff have been supported by PACT HR through this consultation process; offered job search support with DWP, wellbeing support, individual 1:1s, question and answer sessions, and in addition encouraged to proactively seek training and job opportunities where possible. This support will help to minimise the number of redundancies and increase opportunities for redeployment into alternative suitable roles through the Council's redeployment process.
- 2.21 This proposed alternative use of the DPRU site, will ensure the continued delivery of high quality and cost effective provision for children and young people of Bradford.

The Council are developing a District wide structure of Early Years Enhanced Specialist Provisions (EYESPs), Resourced Provisions (RPs) and Special Schools in conjunction with Academies that will:

- Provide local specialist provision, reducing the need for pupils to travel long distances across the District
- Provide an equitable distribution of local specialist provision for children and young people with special educational needs and disabilities
- Provide increased access to the curriculum; due to the staffing experience and capacity of the new RPs and Special schools. It will be possible to individually differentiate and support the work and potential of each individual pupil
- Provide an increased level of available support to all pupils and will give the greatest opportunity to increase inclusion for children and young people with an EHCP who are otherwise very vulnerable
- Provide a progression pathway through the Early Years, to the Primary and secondary phase.

It therefore requires premises and locations within the district to achieve this.

3. OTHER CONSIDERATIONS

- 3.1 Statutory Responsibilities – The Local Authority has a statutory responsibility to keep under review the specialist provision it makes for children and young people with special educational needs and disabilities (SEND).
- 3.2 It has been identified that there is an urgent need for additional specialist places across all sectors within the District.
- 3.3 Out of Authority placements – The number of children and young people being placed outside of Bradford is increasing as we do not currently have sufficient

provision to meet need. Investment in district placements would ultimately save funding expensive out of district placements.

- 3.4 There are long term financial impacts on the Designated Schools Grant/HNB if DPRU remains open.
- 3.5 There is an expectation from the Minister and the RSC that following the revocation of the Academy Order that the provision will cease to operate.
- 3.6 Pupil Referral Units sit outside of the School Organisation regulations. Therefore, there is no statutory process to follow from a School Organisation perspective on the closure. However, there is a statutory consultation process that is currently taking place in relation to the displacement of staff affected by the proposal.
- 3.7 There are 27 staff employed in DPRU where BMDC is the employer. The management committee have the powers of management of staff. As stated above, a consultation process with the trade unions and staff in relation to the proposed redundancy dismissals has begun.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 As a result of no allocated budget and no income, but continued expenditure on staffing, accommodation, contracts and leases, since September 2020, the High Needs Block is supporting the District PRU.
- 4.2 The High Needs Block cannot continue to be used to support the expenditure of the DPRU, as these funds are intended mainly to support provision for children and young people for whom the LA has direct statutory responsibility for education provision.
- 4.3 **Capital Costs to re-utilise the building:** The Local Authority has identified £2.6 million from the Basic Needs Allocation in addition to SEND Capital allocation from central government to fund the ongoing SEND expansion projects. Some of this funding will be allocated to the modifications required to deliver the additional specialist places at the site of the District PRU.
- 4.4 **Revenue Costs:** The revenue funding for all of the additional places is included in the High Needs Block (HNB) allocation determined by the Schools Forum.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 Statutory Responsibilities – The Local Authority has a statutory responsibility to keep under review the specialist provision it makes for children and young people with special educational needs and disabilities (SEND). It has been identified that there is an urgent need for additional specialist places across all sectors within the District.
- 5.2 Individual risks associated with the development/expansion programmes are

managed as part of the overall project to deliver the sufficiency of specialist places across the District.

- 5.3 There is also a reporting mechanism to the Council Change Programme Board, the School Organisation Board, the SEND Strategic Partnership Board and the Schools Forum on the various strands of the projects including time scales, Capital and Revenue funding constraints, Issues and Risks.
- 5.4 Consultation is being carried out with the current staff of DPRU under the Trade Union and Labour Relations (Consolidation) Act 1992, Section 188, including 1:1s and individual consultations. The consultation process will conclude before final plans can be made to utilise the building.

6. LEGAL APPRAISAL

Local authorities are responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area, whether or not they are on the roll of a school, and whatever type of school they attend. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion.

Any school that is established and maintained by a local authority to enable it to discharge the above duty is known as a pupil referral unit. There is no requirement on local authorities to have or to establish pupil referral units, and they may discharge their duties by other means.

Both the Secretary of State and the RSC have certain powers of intervention in PRU's.

Ministers also have the power to revoke academy orders, generally where a school's Ofsted rating has improved before they could become an academy.

The Secretary of State will only consider revoking an academy order if the school's governing body (or Management Committee in this case) are in agreement and have requested to do so.

In circumstances where a maintained school is not viable and the decision has been taken to revoke the academy order, then the local authority will be expected to close the maintained school. Although pupil referral units (PRUs) are maintained by the local authority, they are not included within the definition of a 'maintained school' and are not covered by the statutory school closure process.

DfE Guidance does not prescribe what a LA must do to close a PRU where it is not in special measures or Inadequate.

The legal position is that any alteration, change or closure of a PRU falls outside of the statutory DfE guidance and legal process set down by regulation.

In the absence of any statutory obligation on the LA to consult on the closure of a pupil referral unit it should conduct an SEN improvement test and carry out an equality impact assessment before making any significant changes to this type of provision as it may involve children with SEN, disabilities or other protected characteristics.

Section 188 Trade Union and Labour Relations (Consolidation) Act 1992 requires that where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer is required to consult the trade union representatives of employees who may be affected by the proposals. The consultation must begin in good time and at least 30 days before the first of the dismissals takes effect. The law sets out prescribed information that must be provided. Consultation must include consultation about ways of avoiding the dismissals, reducing the numbers of employees to be dismissed and mitigating the consequences of the dismissals and must be undertaken with a view to reaching agreement. In addition, consultation should be carried out with the individual members of staff. Any employees who it is not possible to redeploy may be dismissed on grounds of redundancy and would then be entitled to a redundancy payment.

The SEND Code of Practice January 2015 provides that when considering any reorganisation of special educational needs provision that the Local Authority must also make it clear how it is satisfied that the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for SEN. This is the SEN Improvement Test. See Appendix 2

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications arising from this report. Any development or changes to buildings undertaken as a result of these proposals will be undertaken in a sustainable way which minimises the future impact of the Local Authority's carbon footprint.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

The proposals will not impact on gas emissions. If children are able to attend their local provision this could lead to a reduction in emissions.

7.3 COMMUNITY SAFETY IMPLICATIONS

These arrangements will allow the children and young people to be educated in a specialist provision within Bradford and District.

7.4 HUMAN RIGHTS ACT

The Human Rights Act incorporates the European Convention on Human Rights which provides that no person shall be denied the right to education.

7.5 TRADE UNION

As set out above, the Council is undertaking a consultation process with the trade unions under S188 Trade Union and Labour Relations (Consolidation) Act 1992.

7.6 WARD IMPLICATIONS

A briefing note outlining the proposal to close DPRU and reutilise the premises for SEND provision was provided to the Leader and Portfolio Holder for Education and Learning in December 2020. Ward members will be updated as options for the expansion of specialist provision are agreed by the relevant school bodies as part of the pre-consultation process.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

N/A.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

No direct impact on corporate parenting, however the proposals to increase specialist provision across the District will provide a wider choice within their local communities, reducing need for out of District placements.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

The City of Bradford Metropolitan District Council (the 'Council') is registered with the Information Commissioners Office (ICO). For more information about how the Council uses information, please refer to the general 'Privacy Notice' on the Council's website.

Children's Services will undertake a Privacy Impact Assessment to identify any data protection and information security matters arising from the proposals.

The legal basis for holding any data relating to buildings is contractual and may relate to tenancy or other property type agreements. General Data Protection Regulation (GDPR) principles relating to individual's rights will be fully respected.

Any need for partner agencies to share data would only be with the express permission of the service users in the full knowledge of why and what it would be used for. General Data Protection Regulation (GDPR) principles relating to any individual's data and rights under the Data Protection Act 2018 will be respected.

8. NOT FOR PUBLICATION DOCUMENTS

N/A

9. OPTIONS

Considering the information in this report, the Executive can decide to:

- a) Approve the reutilisation of the District Pupil Referral Unit premises, to enable specialist provision to be increased across the District, in line with the SEND Sufficiency Strategy
- or**
- b) Reject the proposal to reutilise space in of the District Pupil Referral Unit premises to increase SEND provision

10. RECOMMENDATIONS

10.1 That the Executive approve the reutilisation of the District Pupil Referral Unit premises, to enable specialist provision to be increased across the District, in line with the SEND Sufficiency Strategy

11. APPENDICES

Appendix 1: Equality Impact Assessment

Appendix 2: SEN Improvement Test

12. BACKGROUND DOCUMENTS

12.1 Executive report February 2020 on the SEND Sufficiency

12.2 School Forum Report (ML), November 2020

Equality Impact Assessment Form

Department	Children' s Services Education and Learning	Version no	V0.1
Assessed by	Diane Cochrane	Date created	25/1/2021
Approved by	Claire Marshall-Swales and Lynn Donohue	Date approved	28/01/2021
Updated by	Diane Cochrane	Date updated	04/02/2021
Final approval	Marium Haque	Date signed off	04/02/2021

The Equality Act 2010 requires the Council to have due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups

Section 1: What is being assessed?

1.1 Name of proposal to be assessed.

- The reutilisation of the District Pupil Referral Unit (DPRU) premises, to enable specialist provision to be increased across the District, in line with the SEND Sufficiency Strategy

1.2 Describe the proposal under assessment and what change it would result in if implemented.

The closure of the DPRU will have an impact on staff, who are employees of Bradford Council. A formal consultation began with trade unions and staff on the 15th January pursuant to S188 Trade Union and Labour Relations (Consolidation) Act 1992. This includes consultation about ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the consequences of the dismissals. Each staff member has been offered an individual consultation meeting as part of the consultation. Staff will be supported through PACT HR to ensure that redundancies will be minimised through redeployment.

The reutilisation of the DPRU will enable swift delivery of much needed additional specialist places. The current projection is that the Bradford District will require 120 additional specialist places for the 2021/22 academic year, with these places being delivered across both the special school sector and in resourced provisions.

Section 2: What the impact of the proposal is likely to be?

2.1 Will this proposal advance equality of opportunity for people who share a protected characteristic and/or foster good relations between people who share a protected characteristic and those that do not? If yes, please explain further.

These proposals will expand and develop further specialist provision to enhance the network of specialist provision which form part of:

- A coherent geographical spread of provision across the District
- A dynamic network
- A Flexible and responsive provision

These proposals are intended to advance the equality of opportunity and a range of improved outcomes for children and young people with a full range of Special Educational Needs and Disabilities (SEND) by creating additional specialist places:

The development of additional specialist places is based on the following principles:

- All children to be valued equally, regardless of their ability, behaviour, family circumstances, ethnic origin, gender and sexual orientation
- All children are to be provided with the best learning opportunities, environment and experience which maximises their learning and inclusion into mainstream classes where appropriate
- All children are entitled to a broad, balanced and relevant curriculum which is differentiated to meet individual needs
- Children's diverse special educational needs require a range of flexible and varied provision

2.2 Will this proposal have a positive impact and help to eliminate discrimination and harassment against, or the victimisation of people who share a protected characteristic? If yes, please explain further.

Yes – by providing and expanding additional specialist places for children and young people with SEND alongside their mainstream peers where appropriate, this will help to eliminate discrimination and harassment by fostering a greater understanding of each other's needs, and through early identification, assessment and intervention using specialists and high quality practitioners improve outcomes for all children with SEND.

2.3 Will this proposal potentially have a negative or disproportionate impact on people who share a protected characteristic? If yes, please explain further.

No - The equality impact assessment indicates that these proposals are likely to have no impact and that there is no disproportionate impact on any group who share protected characteristics. There is a potential negative impact on the three current students attending DPRU who have an Education, Health and Care Plan. However, this will be addressed through the statutory consultation which will be carried out with each student and their parents/carers individually to find the most suitable post 16 provision. This is already planned for and parents have been involved. The focus of the proposals will be on providing *additional* specialist places for children and young people with SEND, which will have a positive impact.

2.4 Please indicate the level of negative impact on each of the protected characteristics?

(Please indicate high (H), medium (M), low (L), no effect (N) for each)

Protected Characteristics:	Impact (H, M, L, N)
Age	N
Disability	N ? L?
Gender reassignment	N
Race	N
Religion/Belief	N
Pregnancy and maternity	N
Sexual Orientation	N
Sex	N
Marriage and civil partnership	N
Additional Consideration:	
Low income/low wage	N

2.5 How could the disproportionate negative impacts be mitigated or eliminated?
 (Note: Legislation and best practice require mitigations to be considered, but need only be put in place if it is possible.)

The Local Authority and strategic partners have made significant efforts to mitigate against any negative impacts and will continue to promote the move to a school-led system; whilst continuing to use High Needs Block funding to intervene early and use it effectively to improve outcomes for Children and Young people with SEND.

Council officers continue to play an important role to support the changes. In order to manage any negative effects, the proposals will be implemented using a phased approach, so any risks can be identified.

We are carrying out consultation with all interested parties, to ensure we capture all the identifiable risks.

We will further review the potential impact on protected characteristics as part of the development of the delivery programme.

Section 3: Dependencies from other proposals

3.1 Please consider which other services would need to know about your proposal and the impacts you have identified. Identify below which services you have consulted, and any consequent additional equality impacts that have been identified.

A formal consultation has been carried out with trade unions and DPRU staff pursuant to S188 Trade Union and Labour Relations (Consolidation) Act 1992. This includes consultation about ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the consequences of the dismissals. Each staff member has been offered an individual consultation meeting as part of the consultation. Staff will be supported through PACT HR to

ensure that redundancies will be minimised through redeployment.

The reutilisation of the DPRU will enable swift delivery of much needed additional specialist places. The current projection is that the Bradford District will require 120 additional specialist places for the 2021/22 academic year, with these places being delivered across both the special school sector and in resourced provisions.

Considerable analysis has been undertaken to identify the need for increasing and developing specialist provision places for children and young people across the district. We have assessed the optimal location of the proposed provisions. Part of this work has been considering the need and also the availability of suitable accommodation, alongside schools with falling numbers and within Capital constraints.

Analysis of all previous consultation responses received and information gathered from previous public meetings and consultations, clearly supports the LA's position in the creation of additional specialist places, especially for children and young people with SEMH and ASD needs.

We will consult with all interested parties, once plans are in place as below:

- Parents/Carers
- School staff and Governors
- Bradford and Airedale Parents Forum
- Bradford and Airedale NHS Trusts/CCG's
- Elected members
- Local MPs
- Trade Unions
- Neighbouring Authorities
- SENDIASS - Barnado's
- Parish & Mosque Councils
- Muslim Association
- CoE and Catholic Diocese for Bradford/Leeds
- Relevant charities and voluntary organisations
- Any other interested parties

The additional SEND places have been agreed by the School's Forum and will be funded from the High Needs Block.

Section 4: What evidence you have used?

4.1 What evidence do you hold to back up this assessment?

The proposals have all been informed by the extensive evidence and analysis from a range of sources:

- Bradford SEND Strategic Review 2016-2020
- Bradford SEND Needs Assessment 2015 (in depth report) and updated Joint Strategic Needs Assessment (JSNA) SEND chapter (2019) and related documents
- Reviewed SEND Sufficiency Assessment Sept 2020
- Strategic aims and objectives set out in related strategies and plans and initiatives including the Education and School Improvement plan
- The Children and Families Act 2014 and the SEND 0-25 Code of Practice 2014
- Bradford District Education Organisational Plan
- Analysis of the number of children and young people currently educated out of authority

- The commissioning of 360 additional places by Schools Forum July 2016
- The commissioning of 354 additional specialist places by the Schools Forum January 2019.
- Consultations from March, June and November 2019 and January 2020 about specific projects as well around SEND places in general

Extensive evidence and data has been used including identifying the incidence of SEND across the district; by type, the number of referrals received, the type of referrals, the age of the children and young people, the type of special educational needs and disabilities, and the number and geographical spread of Education, Health and Care Plan assessments.

To note:

- We have a growing population of children and young people in Bradford and proportionally have a growing population of children and young people with SEND;
- There is an urgent need for more specialist places in Bradford due to the increase in population
- The complexity of special needs in Bradford is increasing - as a result there is a need for more specialist places.
- Bradford has a growing need for more specialist places to meet need and demand
- We are working in a challenging and changing landscape both financially and educationally.

These proposals will continue to make a range of specialist provision available across the District to ensure the needs of all children and young people in the Bradford District can be met.

4.2 Do you need further evidence?

Before the Local Authority can increase provision in maintained schools, there is a statutory process that we must follow. Whenever the Local Authority proposes to increase places or make changes to specialist provision, all interested parties who are likely to be affected by the Councils proposals must be consulted in the development of the proposals prior to publication of statutory notices.

Section 5: Consultation Feedback

5.1 Results from any previous consultations prior to the proposal development.

Principles:

Children and Young People with a range of Special Educational Needs and Disabilities will continue to be well served in Bradford. The council is looking at the best way to offer a full range of provision locally for all children. We believe that a flexible district wide model will be able to respond effectively to local changes in demand.

The proposed changes will ensure the continued delivery of high quality and cost effective provision for the Children and Young People of Bradford.

The Council intend to have a District wide structure of Specialist Places across a number of settings that will:

- Provide local specialist places, reducing the need for pupils to travel long distances across the District
- Provide an equitable distribution of specialist places for children and young people with special educational needs and disabilities

- Provide increased access to the curriculum, both social and academic, due to the staffing experience and capacity of the provisions. It will be possible to individually differentiate and support the work and potential of each individual pupil
- Provide an increased level of available support to all pupils and will give the greatest opportunity to increase inclusion
- Provide an improved support network, especially related to training that will support and develop the proposals
- Extend and target multi-agency support into the specialist provisions, especially from the health authority and more specifically speech and language therapy
- Provide a progression pathway from Primary phase to Secondary phase

5.2 The departmental feedback you provided on the previous consultation (as at 5.1).

Headteachers and school staff recognise the urgent need for more specialist places and the Schools Forum has previously agreed to fund the additional 714 places from the High Needs block (360 in July 2016, 354 in January 2019). The demand for these places is now increasing as parental preferences change with the availability of more provision across the district

5.3 Feedback from current consultation following the proposal development (e.g. following approval by Executive for budget consultation).

As a result of the initial and statutory consultation processes any changes required to the proposals will result in an updated EIA being produced if necessary.

5.4 Your departmental response to the feedback on the current consultation (as at 5.3) – include any changes made to the proposal as a result of the feedback.

Feedback from all interested parties will be used to refine the proposals. However, in general the feedback received to date has been very supportive of the proposals to increase and develop additional specialist places for children and young people with SEND.

We are committed to on-going dialogue with all interested parties on the delivery of the proposals.

SEN Improvement Test

Sufficiency of Specialist places for Children and Young People with Special Educational Needs & Disabilities across our District

This document demonstrates how the proposals to improve our offer of Specialist Provision meet the requirements of the SEN Improvement Test.

Background Information

Across the District there is a lack of available premises to support the SEND Sufficiency Strategy. The proposal to reutilise the District Pupil Referral Unit premises, to enable specialist provision to be increased across the District, will support the strategy

Bradford offers a range of educational provision to meet the needs of Children and Young People with Special Educational Needs and Disabilities (SEND). This includes provision in both Local Authority Maintained Schools and Academy schools including:

- Mainstream Schools
- Special Schools
- Resourced Provision led by the school (RP-SL)
- Resourced Provision led by the Local Authority (RP-LA)
- Early Years Enhanced Specialist Provision (EYESP) led by the Local Authority

This proposal will create additional specialist places across the maintained school sector which form part of a flexible and responsive offer of provision across the district and is based on the following principles:

- There is an urgent need for more specialist places in Bradford due to the increase in population.
- All children are to be valued equally, regardless of their ability, behaviour, family circumstances, ethnic origin, gender and sexual orientation.
- All children are to be provided with the best learning opportunities, environment and experience which maximises their learning.
- All children are entitled to a broad, balanced and relevant curriculum which is differentiated to meet individual needs.
- Children's diverse special educational needs and disabilities require a range of flexible and varied provision.

The SEN Improvement Test

When proposing to make changes to existing SEND Provision, proposers have to meet the SEN Improvement Test and be able to demonstrate that the proposed arrangements are likely to lead to improvement in the standard, quality and/or range of educational provision for children with Special Educational Needs and Disabilities.

The required improvements of the test are as follows:

- Improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the Local Authority's Accessibility Strategy.
- Improved access to specialist staff, both education and other professionals, including external support and outreach services.
- Improved access to suitable accommodation.
- Improved supply of suitable places.
- Confirmation from the schools that they are willing to receive additional pupils with a range of Special Educational Needs.
- Confirmation of specific transport arrangements.
- Confirmation of how the proposals will be funded and the planning for staffing arrangements that will be put in place.

Confirmation of the requirements:

- **Improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the Local Authority's Accessibility Strategy**

The Local Authority has a statutory responsibility to keep under review the specialist provision it makes for children and young people with special educational needs and disabilities (SEND). It has been identified that there is an urgent need for additional specialist places across all sectors within the District.

It has been identified that there is an urgent need for additional specialist places across all sectors within the District.

The number of children and young people being placed outside of Bradford is increasing as we do not currently have sufficient provision to meet need. Investment in district placements would ultimately save funding expensive out of district placements.

The reutilisation of an existing building will ensure further places are developed, in a timely manner, within the district. Developing local provision means better access for children and young people to be educated within their own communities

Once provision is developed pupils will be on the roll of the school or schools utilising the building. The school or schools will offer individual timetables for pupils to learn specific skills and there will be regular opportunities to take part in learning outside classroom activities, specifically adapted for the pupils. The accommodation will be staffed by fully trained and qualified teaching staff and teaching assistants with access to specialist support such as speech and language therapy where required.

These proposals will therefore lead to improved access to education and associated services, including the curriculum and wider school activities while providing improved facilities and equipment.

- **Improved access to specialist staff, both education and other professionals, including external support and outreach services**

Within the school or schools provision, the children and young people will enjoy the continued support of the full range of training and qualified specialist staff. They will also have access to trained teaching assistants and health and therapy service providers, where necessary to meet individual needs. Improved information routes and advice and support will be provided by the District Achievement Partnership (DAP), RP-SL /SENDCO network meetings and schools will enable improved partnership working with professionals from other provisions.

The children will be able to access the curriculum according to their needs and abilities where they will be taught by qualified teachers and trained support staff. The staff will work in close co-operation and collaboration. Through economies of scale, the setting will also enable the pupils' easier access to a wide range of professionals within one setting.

The proposals will therefore ensure that children and young people with a range of special educational needs will continue to have high-quality support from the full range of trained specialist staff. Their access to fully qualified and experienced teachers, teaching assistants and other professionals will be improved. Their opportunities will be further enhanced as the specialist staff will work more closely together, supporting each other and having access to targeted services.

- **Improved access to suitable accommodation**

There are currently 4 students in DPRU all of whom are in Year 11; 3 have an Education, Health and Care Plan (EHCP) and three of the four are dual registered with a Bradford school. Provisional transition plans for post 16 have been discussed with parents and for the three students with an EHCP, as part of the statutory process.

The specialist accommodation for pupils with a range of special educational needs and disabilities, located at the reutilised building, will improve access to specialist accommodation and be fully fit for purpose, to ensure the needs of children and young people are met.

- **Improved supply of suitable places**

Bradford has a strategic commitment to the development of a range of specialist provision. The purpose of these proposals is to move forward on delivering that commitment.

Over the last 10 years, children with an EHCP for Social, Emotional and Mental Health (SEMH) has increased. Between 2013 and 2015 there was an increase of 157% and this continues to be one of the top three primary needs for children of primary age and is the top need for secondary aged children. SEMH now accounts for 15.9% of all primary and 26.6 % of Secondary aged children with an EHCP. In January 2021 the number of children and young people with an Education, Health and Care Plan (EHCP) stands at 4664 from 3860 in January 2020 which is a 20% increase. The trend is set to continue to increase for the next 3 years and is predicted to increase by 5% each year. Current projections indicate that an additional 320 to 360 specialist places will be required over the next three years.

There is now a significant demand for Primary and Secondary school specialist places, which this development seeks to address.

This proposal will enhance a district wide structure of specialist provision that potentially reduces the need for pupils to travel long distances across the city, will provide a distribution of specialist provision for additional learning needs, will enable pupils to access a differentiated curriculum maximising the opportunities for inclusion, maintain a support network and target multi agency support.

- **Confirmation from the school that they are willing to receive additional pupils with a range of special educational needs**

Any development of the LA Maintained school proposals will be undertaken in consultation and partnership with all interested parties including Headteachers, Governing Bodies of the schools

All school staff involved will have the chance to shape the proposals by way of participation in the pre-consultation phase.

The closure of the DPRU will have limited impact on students as there are only 4 on roll and these children can be accommodated in suitable and appropriate education provision to meet their needs post 16.

- **Confirmation of specific transport arrangements**

The current Local Authority Transport Policy for Special Educational Needs and disabilities will apply to all children and young people as it does currently.

- **Confirmation of how the proposals will be funded and the planning for staffing arrangements put in place**

All of the provisions will continue to be funded via the Place Plus Model, in accordance with the local determined funding formula for special educational needs pupils from the Dedicated Schools Grant (DSG).

Funding of the proposed resourced provision Local Authority led (RP-LA) places will be funded in accordance with the local determined funding formula for special educational needs pupils.

- Element 1 of the place funding will be delegated to the schools for an agreed number of places.
- Element 2 & element 3 (additional funding will be paid in accordance with individual pupil needs – 7 range funding model) will be retained by the central service to pay for the staffing/resources in the proposed provisions.
- The Local Authority will maintain a service level agreement with each of the schools who host the proposed new resourced provisions.

The mainstream schools hosting a RP-LA will not be responsible for the appointment of suitably qualified staff, as this will be the responsibility of the council central service.

The children and young people placed in the Special School, RPs & EYESP's will be on roll of the host schools.

The children and young people placed in the RPs will be on roll of the school.

Glossary

RP-SL = Resourced Provision school led

RP-LA = Resourced Provision local authority led

EYESP= Early Years Enhanced Specialist Provision