

North Tyneside Council

Report to Cabinet

14 July 2014

ITEM 7(f)

Emotional, Social,
Behavioural Difficulties
(ESBD) Provision

Portfolio(s): **Children, Young People
and Learning**

Cabinet Member(s): **Councillor Ian Grayson**

Report from Service Area: **Children Young People and Learning**

Responsible Officer: **Jean Griffiths, Head of Children,
Young People and Learning**

Tel: (0191) 643 8782

Wards affected: **All**

PART 1

1.1 Purpose:

Following agreement by Cabinet at the meeting held on 10 March 2014 (minute CAB200/03/14 refers), to formally consult and publish statutory notices on the decommissioning of the existing ESBD Additional Resourced provisions linked to the wider review and opening/expansion of the Key Stage 1 and Key Stage 2 Emotional, Social, Behavioural Difficulties (ESBD) review across the school estate, the purpose of the report is to inform Cabinet of the outcomes of the formal statutory consultation arrangements following formal consultation with all interested parties.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (a) notes the information outlined in this report;
- (b) approves the opening of new Key Stage One provision at Grasmere Academy and the consequent closure of the existing ESBD Additional Resourced Provisions currently established within mainstream schools arrangements outlined within this report, in respect of the review of the Key Stage 1 and Key Stage 2 ESBD provision with effect from September 2014; and
- (c) requests the Head of Children, Young People and Learning in consultation with the Head of Law and Governance to formally implement the arrangements associated with this decision.

1.3 Forward Plan:

28 days notice of this report has been given and it first appeared on the Forward Plan that was published.

1.4 Council Plan and Policy Framework

The report relates to the Council Plan – Our North Tyneside 2014 – 2018. Priority 1 – Our People Will – Be supported to achieve their full potential, especially our children and young people.

1.5 Information:

Background

The Authority commissions a range of place led education provision from North Tyneside schools to support the inclusive education of children with complex needs. This includes support for those pupils with ESB.

A strategic group of Headteachers have, over recent months, been leading discussions on the wider ESB provision across all schools with the support from officers from within Children, Young People and Learning to evaluate the current arrangements for children who require additional support with particular focus on ESB. In addition to this, the Governing Bodies of two of the existing established mainstream Primary Additional Resourced Provisions (ARPs) have notified the Authority that as part of the review they would be looking to de-commission the existing arrangements from the end of the summer term 2014. Consultation linked to the wider review of the provision has been led by the ESB Strategic Group of Headteachers who have identified a new preferred model of delivery. This new model, has received favourable responses from the locality headteacher groups and the Schools Forum. The new model of delivery will ensure the most appropriate provision will be available to support pupils with ESB.

A report was considered by Cabinet at the meeting held on 10 March 2014 (minute CAB200/03/14) where it was agreed that a new model of delivery would be implemented from September 2014. This new model will be directly commissioned through Silverdale School who will provide a Borough wide Primary Behaviour ARP and outreach service for all First and Primary Schools.

In moving forward with the new proposals, the following key principles have been agreed with Headteacher colleagues:

- All children (particularly the most vulnerable) have the right to a good quality of education within their own community in order for them to achieve their potential.
- Any programme of support for pupils with ESB should be:
 - rooted in a shared belief and accountability system;
 - clear and transparent;
 - provide value for money;
 - reduce the incidents of 'crisis';
 - be supported and delivered by high quality professionals;
 - have a clear pathway for every child.
- Children are family members and their context is extremely significant.
- Early intervention is the most effective method of addressing challenges.

Linked to the above key principles, the LA aims to work collaboratively with schools to further develop a partnership approach that will:

- Deliver a strong education system to meet the needs of all pupils;
- Understand the needs of children with Special Education Needs (SEN);
- Ensure the join up of key agencies in the planning, delivering and integrating of services to avoid duplication; and
- To ensure early identification and assessment of pupils needs.

As agreed with the Schools Forum, this new model will run initially as a Pilot until 31 March 2016. Subject to a successful pilot period, the delivery arrangements will be then be confirmed in a formal Commission to Silverdale School. The new provision will operate in surplus accommodation at the Grasmere Academy in Killingworth.

To support the delivery of the new arrangements from September 2014, the Authority was therefore required to formally enter into a period of Statutory Consultation linked to the decommissioning of the existing ESD Additional Resourced Provisions currently established within three mainstream schools across the school estate.

1.5.1 Statutory Consultation Details

A statutory proposal of this nature requires being posted for a period of 28 days and publicly available for comment. The period should avoid, as far as is possible, school holiday periods. The formal Public Notice for the Removal of Additional Resourced Provisions for pupils with Special Educational Needs in maintained schools was published on 8 May 2014 for a period of 28 days up to and including 4 June 2014.

The Public Notice covered the following maintained schools:

- Balliol Community Primary School, Chesters Avenue, Longbenton, Newcastle upon Tyne, NE12 8QP;
- Riverside Primary School, Minton Lane, North Shields, Tyne and Wear, NE29 6DQ; and
- St Bernadette's Roman Catholic Voluntary Aided School, Rising Sun Cottages, Wallsend, Tyne and Wear NE28 9JW.

1.5.2 Outcome of the Consultation Process

As outlined in section 1.5.1 above, the formal process that has been undertaken linked to the formal decommissioning of the existing ESD Additional Resourced Provisions currently established within three mainstream schools, is in accordance with the Statutory Consultation Guidance to ensure that all interested parties had the opportunity to express views on the proposals.

As a result of the Statutory Consultation process, no responses were received either supporting or objecting to the proposals.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Formally receive the report and agree to all of the recommendations as set out in paragraph 1.2 above.

Option 2

Formally receive the report but decline to agree with its recommendations.

Option 1 is the recommended option

1.7 Reasons for recommended option:

Option 1 is recommended as it allows the Authority to progress with the establishment of the new delivery arrangements from September 2014 and support Key Stage 1 and Key Stage 2 ESD provision across the school estate that is fully supported by all headteacher colleagues.

1.8 Appendices:

Appendix 1 – Public Notice

Appendix 2 – Complete Proposal

Appendix 3 – School Organisation Guidance 2014 Annex B

1.9 Contact officers:

Jean Griffiths, Head of Children, Young People and Learning, tel. (0191) 643 8782

Mark Longstaff, Head of Commissioning and Fair Access, tel. (0191) 643 8089

Iain Betham, Senior Manager – Capital Planning and Fair Access, tel. (0191) 643 8092

Anthony Gollings, Finance Business Manager supporting Children, Young People and Learning and Finance and Resources, tel. (0191) 643 8071

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

1. Cabinet Report dated 18 May 2004 – Inclusive Schools for the Future – [Link to report](#)
2. Cabinet Report dated 31 May 2005 – Determination of Statutory Notices in relation to Inclusive Schools for the Future – [Link to report](#)
3. Cabinet Report dated 9 December 2013 - Emotional, Social, Behavioural Difficulties (ESBD) Provision – [Link to report](#)
4. Cabinet Report dated 10 March 2014 – Emotional, Social, Behavioural Difficulties (ESBD) Provision - [Link to report](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The cost of High Need SEN support is funded by the Dedicated Schools Grant (DSG). In moving to the proposed new model of ESD support it is expected there will be a net increase in costs in a full year of £0.251m. This proposal was discussed at Schools Forum on 15 January 2014 where it was agreed that these costs will be met by the DSG and therefore there are no general fund implications.

2.2 Legal

The Authority has a legal responsibility for the education of pupils with special educational needs and is required to secure (so far as its powers enable it to do so) that efficient primary and secondary education is available to meet the needs of the population of the area (s.13 Education Act 1996)

It must promote high standards and ensure fair access to educational opportunity (s.13A Education Act 1996). Following consultation on the changes to schools outlined in the main body of this report, it was necessary to comply with the relevant legislation pertaining to the organisation and character of schools. This resulted in the publication of relevant statutory notices.

In accordance with the Local Government Act 2000, and the regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet Member for Children, Young People and Learning has been fully consulted in relation to the proposals.

2.3.2 External Consultation/Engagement

Consultation has been undertaken with all schools across North Tyneside together with the Diocesan Directors of the Newcastle Diocesan Education Board and the Diocese of Hexham and Newcastle and the Trade Unions. Additionally, early consultation was undertaken with the parents of the pupils affected by the proposals in the spring, no objections were raised at that point.

The public notice linked to this proposal was also published in the local press (Journal), on the Council website and posted outside the schools affected on 8 May 2014.

2.4 Human rights

There are no human rights issues directly arising from this report.

2.5 Equalities and diversity

An EIA was considered, however as the proposal intends to replicate services in an alternative setting and under alternative management arrangements, Communications and Engagement has agreed that an EIA will not be required.

2.6 Risk management

Any risks to the provision of education in the borough identified as part of the review will be monitored and appropriate steps will be taken to safeguard against those risks.

2.7 Crime and disorder

There are no crime and disorder issues directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager -
Strategic Services

Report authors:

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