



Report for:
ACTION

Item Number:

22

Contains Confidential or Exempt Information	NO
Title	Special Education Needs: Re-designation of John Chilton Special School
Responsible Officer(s)	Gary Redhead, Assistant Director - Schools Planning and Resources, gredhead@ealing.gov.uk , 020 8825 5773
Author(s)	Tom Lindsay, High Needs Strategic Planning Adviser, tlindsay@ealing.gov.uk 020 8825 6802 Amber Hernaman, Projects Officer, ahernaman@ealing.gov.uk 020 8825 6802
Portfolio(s)	Cllr Binda Rai, Children and Young People
For Consideration By	Cabinet
Date to be Considered	15 th September 2015
Implementation Date if Not Called In	28 th September 2015
Affected Wards	All
Keywords/Index	Statutory Proposals, SEN strategy, Local offer

Purpose of Report:

To advise Cabinet on the outcome of preliminary consultation on a proposal to change, from 1 January 2016, the designation of John Chilton School from a special school for pupils with physical difficulties to pupils who have moderate or severe learning difficulties, alongside their physical disability, and to seek approval to move to the formal stage of the statutory process.

1. Recommendations

It is recommended that Cabinet:

- i. Notes the proposal to change the designation of John Chilton School pupils aged 2 to 17 years with physical difficulties to cater for pupils aged 2 to 17 years who have moderate to severe learning difficulties as a primary need or as a dual diagnosis to a physical and/or medical need; and the outcome of preliminary consultation.
- ii. Authorises the Director of Children's Services to publish a statutory proposal to change the type of special educational needs for which John Chilton School is organised to make provision

2. Reason for Decisions and Options Considered

The change in designation of John Chilton School is to reflect the pupils that attend the school now, and are likely to in the future.

The legal framework within which Cabinet must consider moving forward with the proposals is set out in **section 5**.

3. Key Implications

Background

John Chilton School has been on its current site since the 1960's as an all age (2 to 17 years) special school for children with physical difficulties. The school was completely rebuilt in 2005 as part of the redevelopment of the site alongside a replacement high school and primary school, now called the Alec Reed Academy. The co-location within the all age Alec Reed Academy (ARA) provides unique opportunities for some John Chilton School pupils to integrate into the primary and secondary departments of the academy. Some pupils are educated in mainstream classes for a proportion of their timetable. John Chilton School has a record of achieving excellent standards in all aspects of its work. It has been cited by OFSTED as being a good school where teaching is good and the quality of teaching has continued to improve. The behaviour of pupils is outstanding. The pupils' conduct outside the classroom is exemplary. Pupils mix naturally and confidently with pupils from the academy. Lunchtimes and breaks are notable for the social cohesiveness between pupils from the two schools.

The school building is fully accessible for pupils with disabilities. Facilities include: hydrotherapy pool, therapy suite, food technology rooms and medical room. There are dedicated playgrounds for pupils in Foundation Stage, Key Stage 1 and 2 with a variety of outdoor equipment. There are currently 89 pupils on roll (May 2015 Census). The school provides for pupils with physical disabilities and associated learning difficulties. All the pupils have a statement of special educational needs or an education, health and care plan.

John Chilton staff work with mainstream colleagues to develop practice that includes - sharing curriculum materials, providing advice in relation to individual pupils and team teaching. John Chilton has also contributed to training programmes for teaching assistants.

4. Financial

Capital

Over time there has already been an increase in the number of pupils with complex learning needs. John Chilton does not require any significant further adaptation as a result of the change of designation and any minor changes to facilities can be funded through the annual capital modernisation grant allocated to the Council each year by the DfE.

Revenue

The education grant that the Council receives from government known as the Dedicated Schools Grant (DSG) can only be spent on education – so the proposals have no revenue impact for the Council. Special school places are funded from the “high needs block” of the DSG and the number of places are formally agreed with the Education Funding Agency (EFA) each year. Schools also receive ‘top-up’ funding on a per pupil basis which relates to standard support needs and the school setting.

5. Legal

Prescribed Alterations to Maintained Schools

Section 19 Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for making prescribed alterations to maintained schools.

A prescribed alteration includes a change in the type of special educational needs for which the school is organised to make provision

The procedures include the publication of statutory notices and proposals containing prescribed information and defined consultation periods.

The relevant statutory guidance is in the School Organisation, Maintained Schools: Guidance for Proposers and Decision Makers January 2014

<https://www.gov.uk/government/publications/school-organisation-maintained-schools> Annex B contains Guidance for Decision Makers.

The statutory guidance contains a ‘non exhaustive’ list of factors that the decision maker must consider in relation to each proposal.

Special Educational Needs Provision

Local Authorities have overall responsibility for making sure that children’s Special Educational Needs (SEN) are met.

Under S27 Children and Families Act 2014 Local Authorities must keep under review the educational, training and social care provision made for children who have SEN or a disability and consider the extent to which the provision is sufficient to meet the needs of the children and young people concerned. This includes arrangements to assist in preparing children and young people for adulthood and independent living.

In exercising their functions under S27 Authorities must consult children, young people and parents, the governing bodies of maintained schools, nursery schools, Academies, post 16 institutions, non-maintained special schools, advisory boards of Children Centres, providers of early years education and the governing bodies and proprietors institutions outside the area the authority thinks are or are likely to be attended by children and young people in the area, youth offending team and such other persons as the authority thinks is appropriate.

Local Authorities must also have regard to the Joint Strategic Needs Analysis and Health and Wellbeing Strategy in the exercise of this function. In performing the duty a local authority must act with a view to encouraging diversity in the education and training available to persons, act with a view to increasing opportunities for persons to exercise choice and take account of education and training whose provision the authority think might reasonably be secured by other persons.

According to the Statutory Guidance relating to alterations decision makers considering proposals to change special educational need provision should ensure that proposals

- take account of parental preferences for particular styles of provision or education settings
- take account of any relevant Local Offer for children and young people with SEN and disabilities and the views expressed in it.
- offer a range of provision to respond to the needs of individual children, taking account of collaborative arrangements (including between special and mainstream and Children Centre provision, regional and sub-regional provision and out of Borough day and residential special provision
- take full account of educational consideration, in particular the need to ensure a broad and balanced curriculum within a learning environment where children can stay safe
- support the LA's strategy for inclusion and making schools and settings accessible to disabled children and their scheme for promoting equality of opportunity for all children
- provide access to appropriately trained staff and access to specialist support and advice so that individual pupils can have the fullest possible opportunities
- ensure appropriate provision for 14-19 year olds and
- ensure that appropriate full time education is available to all displaced pupils

Decision makers should make clear how they are satisfied that this SEN Improvement test has been met including how they have taken account of parental or independent representations which question the proposer's assessment

In regard to public law and equalities considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

As public bodies schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 of the Equality Act 2010.

S 149 Equality Act 2010 requires public authorities to:

Have due regard to the need to—

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- 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.

The protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

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.

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.

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

Compliance with the duties in this section may involve treating some persons more favourably than others.

The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority

6. Value for Money

The proposal is an integral part of the Council's SEND strategy and Local Offer. The proposal does not have any significant mainstream revenue or capital implications.

7. Sustainability Impact Appraisal

The proposals include an assessment of the impact on sustainability as outlined within the Council's procurement policies.

8. Risk Management

An equalities analysis assessment is attached as appendix 2 and any plans developed will need to ensure any disruption to the school is minimised.

9. Community Safety

Concerns about transport, traffic and travel have been and will be addressed during the planning process.

10. Links to the 6 Priorities for the Borough

Prosperous – The proposal is linked to the duty of the Council of creating the right conditions for economic growth, enhancing opportunities for local people, providing affordable, high quality housing and helping young people to achieve at school and compete in the labour market.

Delivering Value for Money – see **section 6**.

11. Equalities, Human Rights and Community Cohesion

Equalities analysis assessment has been undertaken in respect of the proposals. Recommendations and is attached as **appendix 2**. The analysis of the equalities impact will be developed in the light of further information gathered during consultation and taken into account before further decisions are made

12. Staffing / Workforce and Accommodation implications

Additional staff may be recruited as the curriculum at the school diversifies, in both teaching and non-teaching posts.

13. Property and Assets

This report deals with school property and assets.

14. Any other implications

None

15. Consultation

Consultation was carried out with all parents, staff, other special schools, therapy services and Alec Reed Academy. Adjacent Local Authorities have been informed of the proposals.

Two meetings were held for interested parties on Tuesday 12 May 2015 at 2.00pm and 7.00pm. Parents and therapists were represented at the meetings. Please see appendix 1 for details of the consultations that have been undertaken and the representations that were received.

During the consultation parents expressed a wish for their children to stay at John Chilton School for sixth form. The desire to stay post 16 was also expressed by a number of pupils. This is an area that the school has undertaken an audit of need for the pupils currently at John Chilton School, as to best placement post Y11. The figures would indicate a need of 7-9 pupils over Y12 and 13 growing to 12-15 over four years.

Ealing Council has taken on greater responsibility for post-16 High Needs provision since 2013/14 academic year. The LA has started a widespread review of SEN Post 16 commissioning with a focus on identifying pathways which offer the best opportunities for young people to make progress all the way through to age 25. Discussions are underway with college and special school providers on the nature and extent of provision, including understanding how best to provide progression routes, meet student's therapy and other needs and travel arrangements. While this review is underway the LA believes it would be premature to support any proposals to increase the age range at borough Special Schools. As a result, this report only involves a proposal to change the designation of John Chilton School.

16. Timetable for Implementation

Date	Activity
September 2015	Approval to issue a Statutory Notice
October 2015	Notice published – one month response period
November 2015	Responses collated
December 2015	Cabinet Report requesting a decision
January 2016	If approved, John Chilton has new designation

17. Appendices

Appendix 1: Details of the consultation and the representations received so far

Appendix 2: Equalities Analysis Assessments

18. Background Information

No further relevant background information

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Judith Finlay	Executive Director Children and Adults	20/08/2015	21/08/2015	-
Gary Redhead	Assistant Director, Schools Planning and Resources	20/08/2015	20/08/2015	Throughout report
Jane Batalona	Head of Legal (Social Care and Education)	20/08/2015	21/08/2015	Throughout report
Jackie Adams	Head of Legal, Planning and Property	20/08/2015		Throughout report
Sean Cosgrove/Michael Taylor	Senior Finance Business Advisor	20/08/2015	21/08/2015	4 - financial
Maria Christofi	Director of Finance	20/08/2015		Throughout report
Cllr Rai	Portfolio Holder, Children and Young People	20/08/2015		Purpose of report

Report History

Decision type:	Urgency item?
Key decision	No
Report no:	Report author and contact for queries:
	Tom Lindsay High Needs Strategic Planning Adviser (Schools Planning and Resources), 020 8825 , tindsay@ealing.gov.uk

Appendix 1: Details of the consultation and the representations received

Consultation Relating to the Designation and Age Range of John Chilton School

The Governors at John Chilton School have been discussing the changing needs of children in Ealing, and particularly of pupils at the school. As you will probably be aware, the needs of children are becoming increasingly complex and mixed, and we have been speaking with the Local Authority about John Chilton School's role in meeting the needs of these children, now and in the future.

The Governing Body has come to the conclusion that we should consult with parents, pupils and the wider community about whether to change the classification of the school - officially known as the designation - to reflect these needs more accurately.

Current position:

John Chilton School is currently designated as a special school for children aged 2-17, with physical disabilities. Over recent years, an increasing number of our pupils have also had moderate or severe learning difficulties alongside their physical disability. The school has supported the Local Authority by taking on pupils with higher levels of need, but this is not reflected formally in the entry/exit criteria for the school, or the designation of which pupils the school will accept.

Next steps – tell us your views:

We are considering making a formal proposal to the council requesting that the school's designation is changed. If this happened, it would reflect the pupils that attend the school now, and are likely to in the future, more accurately than our current designation does. The school would be designated to cater for pupils who have moderate to severe learning difficulties as a primary need or as a dual diagnosis to a physical and/or medical need. Students would have National Curriculum attainments at P4 level or above on entry according to the age and circumstances of the child. The age range of the school would change to 3-17 years – again, to reflect the current pupils on roll.

There will be an opportunity for parents and stakeholders to discuss this with staff from the school, on Tuesday 12 May 2015 at 2 pm and 7 pm at the school. Please complete and return the reply slip below if you intend to attend.

We would welcome your views. If you have any comments which you would like us to take into consideration, please do let us know by contacting me in writing at the school.

Meeting Notes

Two meetings were held for interested parties on Tuesday 12 May 2015 at 2.00pm and 7.00pm. Parents and therapists were represented at the meetings. These notes are a summary of both meetings.

Reasons for the need to re-designate were given by Simon Rosenberg (Headteacher) based on the pupil cohort that is currently in place:

- There is a challenge in keeping pupil numbers at a viable figure in order to provide appropriate staff and resources. If we are not full we lose funding.

- The curriculum has been developed to meet the needs of pupils with a moderate or severe learning difficulty, with or without a physical disability
- It is beneficial to have range of pupil need within the school cohort; extreme pressure is put on facilities if all pupils need hoists and changing beds for example.

We will also be looking at the school logo and how it could mislead parents looking at the school as it doesn't reflect the school population.

Q: how many pupils are here now?

Currently 89 on roll, we will lose 10 pupils at the end of the year and so need to enrol at least 10 pupils to remain with the same budget. 20% of the pupils come from other Local Authorities and so we have contacted them to advise of the change of designation for referrals.

Q: the different needs of pupils will affect the level or type of therapy need. More physically challenged pupils need more therapy time in physical management, access, ICT support, equipment. Will this change affect the amount of therapy available to the school?

The re-designation will reflect the picture that we have now in the school. We need a range of different need so that we can meet all the therapy needs. If we only have pupils with more complex physical needs we will be unable to take the numbers of pupils required as the equipment and space will be unmanageable. If we start the school year with 83/85 pupils we need to attract 5/7 that need less physical support. *Parents agreed that overcrowding of the classrooms and corridors with the equipment needed for pupils with high level needs, was not an ideal situation.*

Q: what is the Local Authority's need?

Currently the SLD schools are being pressurised with a large increase in numbers of pupils with PMLD. The levels of ability in these schools is now in the lower range in the general population, this leaves an upper SLD cohort of pupils needing to be placed in other schools. Hillingdon has opened a new school for 2-19 years for pupils with upper SLD and lower MLD needs, with or without a physical or medical need.

Q: will this put us in competition with other schools?

The schools are already in competition with each other, and there will be some crossover. Each school needs to be certain of its own unique identity, so that pupils can access the best institution for their need. There is already an understanding among special heads of the needs to be more flexible. We do have the unique flexibility of access to mainstream provision we can provide, for social inclusion as well as for specific academic subjects on an individual needs basis. We now have a good relationship with ARA and further links between the schools are being established. *Parents expressed view that many schools do not accept pupils in wheelchairs or with complex physical needs.*

Q: From a therapy point of view there is a problem with the needs of 16-18 year olds not being met by the current available provision in the Authority.

This is an area that we are aware of and have completed an audit of need over the next five years for the pupils currently at John Chilton School, as to best placement post Y11. The figures we have would indicate a need of 7-9 pupils over Y12 and 13 growing to 12-15 over four years.

Parents were very clear that they wished their own children to stay on at John Chilton School for a sixth form. They felt that the colleges were not able to support the

therapies and the vulnerabilities of their children. A further factor towards this was the progress that their children had made at JCS which could be halted as the transition to confidence in new staff at college would take time, the different community and numbers at the college and the team around the student.

The desire to stay at JCS post 16 was also expressed by a number of pupils.

There have been some significant difficulties with the provision and understanding of students' therapy and ICT/AAC needs at college. Also the challenge of transport, and the college courses only being available for three days a week.

All parents were resolute that they felt their child's needs post 16 could be best met by staying at JCS and would like the re-designation to be from 3-18 years.