

Report of the Cabinet Member for Education

Cabinet – 15 September 2016

REQUIREMENT FOR ADDITIONAL PLACES FOR PRIMARY AND SECONDARY AGED PUPILS WITH AUTISTIC SPECTRUM DISORDER (ASD)

Purpose:	To consider options to address the additional autistic spectrum disorder (ASD) specialist places required for pupils in Swansea.
Policy Framework:	Corporate priority. Improving pupil attainment.
Reason for Decision:	To meet need and reduce pressure on existing specialist places.
Consultation:	Finance and Legal.
Recommendation(s):	It is recommended that: 1) the number of primary and secondary school ASD STF places within City and County of Swansea is increased (to include two additional primary school ASD STFs (an additional 32 places for primary school-aged pupils) and one additional secondary school STF (providing an additional 16 places for secondary school-aged pupils)). This recommendation relates to Option 2 (paragraph 4) and Option A (paragraph 4) for revenue funding. 2) officers proceed to consultation and return to Cabinet as outlined in Table 3
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1.0 Introduction

- 1.1 Diagnosis of Autistic Spectrum Disorder (ASD) is on the increase nationally. Currently, approximately 1 in 60 children and young people are being diagnosed with ASD in the UK. This figure has been checked and confirmed by local health colleagues.

- 1.2 There are currently 413 primary and secondary-phase pupils with statements of special educational needs (SEN) and a diagnosis of ASD in Swansea.
- 1.3 81 pupils are currently in designated ASD specialist teaching facilities (STFs) hosted by mainstream schools.
- 1.4 City and County of Swansea's inclusive education principles over the last 20 years have driven the creation of specialist teaching facilities in mainstream schools wherever possible. This is in line with the principles laid out in the 1996 Education Act and the SEN Code of Practice 2002.
- 1.5 In addition, of the 179 planned places in moderate learning difficulties/severe learning difficulties (MLD/SLD) primary school-based STFs across Swansea, there are 41 pupils whose primary diagnosis is ASD.
- 1.6 At secondary phase MLD-SLD provision (of 128 places), there are 16 pupils with ASD.
- 1.7 There are currently 46 primary school-aged pupils on a pending list for moderate ASD places and, of these, 39 are being taught in mainstream classes with additional teaching assistant (TA) support. There are four pupils on pending list for same type of secondary school-age provision.
- 1.8 There are (potentially) 66 pupils in this period seeking placement who are currently in primary school ASD STFs, MLD/SLD STFs or mainstream classes.
- 1.9 We are currently only able to offer four places each September to meet this need.
- 1.10 Table 1 (below) provides further information in respect of the growing demand for ASD STF provision at secondary level over the next five academic years.

Table 1 Demand for year 7 ASD STF provision for the next five years up to and including the 2017-2018 academic year

	ASD STF	MLD STF	Pending list	Total
September 2017	3	3	4	10
September 2018	8	6	0	14
September 2019	6	2	4	12
September 2020	3	8	3	14
September	5	6	5	16

2.0 Background

- 2.1 In response to the increased need identified above there is a requirement to address the additional ASD specialist places required for pupils from Swansea.
- 2.2 An options paper has been produced (see Appendix A) to review the most appropriate way of addressing this increase need. The following main options are available.

Option 1 Do nothing

Option 2 Establish new ASD STF provision/s to support increased demand

Option 3 Increase planned pupil places in existing STF provisions

Option 4 Change designation of current STF provision

Option 5 Schools work collegiately to set up and host specialist provisions within a cluster

Option 6 Accommodate identified pupils in special schools

Option 7 Increase out-of-county placements

3.0 Risk

3.1 If provision is not increased:

- learners with ASD whose needs have been assessed as requiring an ASD STF placement will not receive the appropriate provision in order to meet their complex needs. This will have a significant impact on those pupils wellbeing and reaching their potential in life;
- there would be a negative impact on schools and learners of having learners with ASD whose needs require STF provision being placed in mainstream classrooms, as the social and communication difficulties that are a feature of ASD often manifest themselves in extremely disruptive behaviour. This is likely to impact negatively on the City and County of Swansea's exclusion figures and attendance data. Also this could increase pressure on EOTAS provision, which would not be an appropriate

alternative for autistic children.

- Swansea would be in breach of its legal obligations and at significantly increased risk of SEN Tribunal challenge and, ultimately, judicial review and ombudsman complaints and investigations;
- there have been two recent tribunals where Swansea has been directed to place children over and above the planned places in ASD STF provision. Should this continue, there would be a significantly negative impact on the provisions' effectiveness and therefore the pupils' wellbeing; and
- there is a risk that more parents would be seeking out-of-county placements. This is an expensive alternative at between £40,000 and £73,000 per child per annum (plus transport). Providing additional ASD provision in Swansea could help to mitigate further costs for out of county placements, investing to prevent additional spend.

4.0 Recommendation

- 4.1 Officers recommend that Option 2 is considered as the preferred option. That is, to increase the number of primary and secondary school ASD STF places within City and County of Swansea.
- 4.2 Establishing two additional primary school ASD STF would create an additional 32 places for primary school-aged pupils and one additional secondary school ASD STF would create an additional 16 places for secondary school-aged pupils.
- 4.3 Officers advice is that this option optimises value for money, meets the needs of learners within the local authority, would minimise the risk of SEN tribunals and reduce out-of-county places. This option plans for current predicted demand.
- 4.4 There will be a need within the next few years to further increase provision. In particular, there is an increase in pupils with high-functioning ASD (pupils who are highly intelligent), however this requires additional investigation and resources. A further update to the SEN Development Plan is anticipated in the autumn term.
- 4.5 Officers seek approval to begin the process of establishing additional ASD STF provision (as identified in Option 2 above).

5.0 Location

- 5.1 In order to reduce current and future transport costs, it is desirable that at least one of the additional ASD STFs be established in the West of the local authority. The two existing ASD STFs are in the

North East of Swansea and pupils from the west of City and County of Swansea are being transported to these facilities. The establishment of at least one of the ASD STFs in the West should reduce travel time and costs for these pupils.

- 5.2 A review of capacity has been undertaken to identify potential space that could be utilised with modest investments and remodelling to establish the required places. A number of primary schools and a secondary school have been identified as having potential space.
- 5.3 Due to the summer holiday period, it has not been possible to confirm the locations for the ASD STF schools within this paper. Discussions with the schools including Governing Body will be held and a verbal update will be provided at Cabinet.
- 5.4 Following consultation Cabinet will be asked to agree the final recommendation.
- 5.5 A review of the potential impact and options of the local development plan will also need to be completed when the potential schools have been confirmed.
- 5.6 Links and opportunities will be made with the Welsh Government's capital investment programme (Band B) proposals and the Local Development Plan (LDP) opportunities and can be built into business cases where opportunities and need exists.
- 5.6 The timeframe on these opportunities is likely to be a medium to long-term strategy rather than addressing the immediate need as stated in 4.3. However, the need for these additional ASD STFs is the immediate priority and as timescales are pressured the urgency of approval for these additional ASD STFs is imperative.

6.0 Financial Implications

Capital

- 6.1 The cost of establishing two primary and one secondary school ASD STFs will be determined on modest remodelling when the potential schools are confirmed.
- 6.2 We are seeking corporate funding to support the capital works that will be required to support the remodelling to facilitate the additional ASD STF provisions. Based on similar schemes, this could be in the region of £200,000 to £250,000. The cost of additional build would of course be significantly greater. Approval of this scheme will increase the substantial funding deficit on the capital programme.

Revenue

- 6.3 Annual revenue costs of 48 F Band places (using the Section 52 document) would be approximately £593,250 per annum once fully established.
- 6.4 The revenue funding is delegated to the host schools. Host schools then manage the staff and pupils accordingly.
- 6.5 Table 2 (below) explains estimated revenue implications of establishing three additional ASD STF facilities. Option A is the preferred option.
- 6.6 The investment to save argument is very difficult to provide data for, it is more about children we already know about having their needs met appropriately rather than money. However, providing additional ASD STF places could reduce expensive out-of-county placements at a cost of between £40,000 and £73,000 per annum, per child (plus transport). Therefore, this is an invest to mitigate and contain further additional spend, in relation to out-of-county placements.
- 6.7 There is therefore, a possibility that there could be a reduction in recoupment spend because if there is sufficient provision within the local authority, parents will be less likely to look to other local authorities or private providers.
- 6.8 It is possible that this increase in ASD provision could provide opportunities for income generation in the future though at this point we are requesting the facilities to meet the current demand for existing pupils in Swansea.
- 6.9 Approval of this scheme would require additional revenue budget funding.

Table 2 Revenue implications of establishing three additional ASD STF facilities

Option	Revenue cost	Places established	Considerations
<p>Option A</p> <p>Three additional STFs established September 2017</p>	<p>Year 1: £344,313</p> <p>Year 2: £593,250</p>	<p>48 F band places (x7/12th)</p> <p>48 F band places full-year equivalent (FYE) places</p>	<p>Two primary school STF provisions (2 x 16 places)</p> <p>One secondary school STF (1 x 16 places)</p> <p>Note individual transport costs would be in addition to the figures</p>

			provided here
<p>Option B</p> <p>Phased implementation. Establish two Foundation Phase (primary school) STFs and one key stage 3 (secondary school) STF.</p> <p>Increase to full capacity by 2019 (ie to include key stage 2 and key stage 4 provision)</p>	<p>Year 1: £173,031</p> <p>Year 2: £296,625</p> <p>Year 3: £469,656</p> <p>Year 4: £593,250</p>	<p>24 F band places (x7/12th)</p> <p>24 F band places (FYE)</p> <p>24 F band places (FYE) + 24 (x7/12th)</p> <p>48 places (FYE)</p>	<p>This phased approach carries the risk that the local authority would not be able to meet the level of demand required.</p> <p>Note individual transport costs would be in addition to the figures provided here</p>

7.0 Timeframe

7.1 Establishing additional ASD STF provision will require statutory notice for implementation in September 2017. The following timetable (Table 3) summarises a timeframe that will need to be met (for expanded timeframe please see Appendix B).

7.2 Failure to meet these timelines would result in a delay of establishing additional provision and therefore appropriate places.

Table 3 Timetable to establish additional ASD STF provision

Activity	Timescale
Exploratory work and discussions with officers and elected members	Ongoing – June and July 2016
Cabinet	15 September 2016
Start consultation	28 September 2016
End consultation	9 November 2016
Publish consultation report	9 November to 16 December 2016
Cabinet	19 January 2017

Publish statutory notice	30 January 2017
Council	20 April 2017
Appointment of staff	31 May 17
Implementation	1 September 2017

8.0 Next steps

- 8.1 Establish communication plan in line with approval and timeframe as above.
- 8.2 Complete Equality Impact Assessments (EIA).
- 8.3 Complete activities as identified in timeline above.

9.0 Legal Implications

- 9.1 The City and County of Swansea adopted in July 2012 an Inclusion Policy and an Inclusion Strategy. These documents provide key principles and strategic priorities which as current policy should be considered throughout the process of identifying and establishing increased education provision of any type.
- 9.2 The Welsh Government 'School Organisation Code' issued in July 2013 provides a framework of considerations a responsible body should adhere to in seeking to alter education provision within a local authority area. The code provides that:
 - '1.4 Local authorities must ensure there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In order to fulfil these duties, local authorities must ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies for schools serving their area which have a designated religious character.'

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'Where a new school, increase in capacity or age range expansion is proposed;

that there is evidence of current or future need/demand in the area for additional places, with reference to the school or proposed school's

language category, designated religious character, and the gender intake (i.e. co-educational/single sex);

The demand for additional provision of any type in an area should be assessed or evidenced (in the case of Welsh-medium education would include an assessment of the demand for Welsh-medium education conducted in accordance with any regulations made under section 86 of the 2013 Act).

Whether proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010'

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Additional considerations are applicable when SEN provision is being considered.

'Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider;

- Whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;
- How proposals will address any health, safety and welfare issues;
- How proposals, where appropriate, will support increased inclusion; and
- The impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.

Need for places and the impact on accessibility of schools

In addition to the considerations listed in 1.4, relevant bodies should consider:

- Whether there is a need for a particular type of SEN provision within the area;
- Whether there is a surplus SEN provision within the area;
- Whether SEN provision would be more effective or efficient if regional provision were made; and
- The impact of proposals on the transportation of learners with SEN.

Other factors

Relevant bodies should consider:

- How changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and / or SEN.

9.3 The Welsh Government Guidance document issued March 2016 and entitled 'Inclusion and Pupil Support' provides that:

'2.2.6 Local authority strategies should be based on an analysis of current needs and forward projections of the needs profile over

the next 5-10 years. They should set out a timetable for developing the capacity of mainstream schools and early years settings to meet the needs of children and young people. Local authorities will need to work across the authorities as strategies must include information from health and social services. This will help gain an accurate picture of the population of children and young people with high support needs and show how they can be educated in local mainstream schools, as far as possible. Health and social services departments will therefore have to be involved in the planning process and in demonstrating how the needs of these pupils can be met holistically across the statutory agencies.

- 2.2.7 Inclusion strategies should also clearly set out the future role of special schools and provision for education otherwise than at school (EOTAS) within the overall spectrum of education provision. There needs to be a programme of active and ongoing consultation with schools and parents / carers which involves children and young people at all stages of policy development, implementation and monitoring. Local authorities will also need to give details of a phased programme of capital investment to support inclusion, including targeted professional development opportunities for staff; and plans to develop the role of the central advisory and support services’.

10.0 Equality and engagement implications

- 10.1 An EIA screening form has been completed with the agreed outcome that a full EIA report was required. The full EIA report will be drafted once the locations of the potential settings are decided upon.
- 10.2 Service provision for Welsh speakers is recognised as a specific (potential) requirement and any solution must address this aspect. As detailed in the EIA screening, further work on this is needed to inform any final decision.

Background papers: None

Appendices:

Appendix A Options to address increase need for pupils diagnosed with Autistic Spectrum Disorder (ASD)

Appendix B Existing specialist teaching facilities within City and County of Swansea