

## **Dudley Metropolitan Borough Council**

### **The Cabinet - 20 April 2005**

#### **Report of the Director of Education and Lifelong Learning**

##### **The SEN Strategy**

*Please note that a glossary of terms and abbreviations is appended to the report.*

##### **Purpose**

1. The purpose of the report is to seek the approval of the Cabinet for the SEN Strategy with amendments from the version published on 7 March 2005.

##### **The Need for Change**

2. The need to review and realign provision for special educational needs (SEN) is long overdue in Dudley. The present educational provision, including the buildings and funding arrangements, and arrangements for the placement of children with SEN, have developed unsystematically over a period of years. The arrangements do not work well and have required ongoing *ad hoc* adjustments. There is a clear mismatch between the levels and types of need, the educational provision available, and the effective use of resources. Pupils with different needs across the borough do not have equal access to appropriate educational provision, and the quality of the provision made is too variable.
3. These issues were highlighted by OFSTED during the inspection of the work of the Council in 2000 and again in 2002 (Appendix 1). The 2002 inspection highlighted the need for a clear long-term SEN Strategy. The development of the SEN Strategy has been the last major plank in the recovery programme set out in the OFSTED Action Plan. Progress against the Post-OFSTED Action Plan will be a key focus for the Joint Area Review (JAR) of Children's Services expected in the spring of 2006.
4. The buildings used for SEN provision, including units and schools, vary greatly in accessibility, location and quality. Some buildings are simply 'not fit for purpose' because they are too small, outdated or in a poor state of repair. The most urgent needs are at Old Park School (which serves pupils with the most complex needs) and Halesbury School (which serves pupils with moderate learning difficulties (MLD)). Both of these have been judged inadequate by OFSTED inspections of the schools. Similarly the Home and

Hospital Pupil Referral Unit (PRU) is housed in poor-quality temporary buildings located on the car park at Saltwells Education Development Centre. Pens Meadow School and Meadow Road PRU also have inadequate accommodation but are leased and therefore the possibilities for refurbishment are limited.

5. Over time, the population of children with SEN, and their specific needs, has continued to change. This change has several underlying causes:

- improved educational provisions leading to better educational outcomes;
- higher survival rates for children with disabilities;
- increased parental expectations of provisions for SEN; and
- changed legislative requirements which place greater weight on providing mainstream education where parents wish it.

6. In particular, there is a lack of appropriate provision within Dudley for children with:

- needs on the autistic spectrum (ASD);
- hearing impairments;
- mild MLD and learning delay;
- emotional, behavioural and social difficulties (EBSD) in both the primary and secondary phases.

In the case of EBSD there is no provision in the primary phase at all and an increasing un-met demand in the secondary phase. Too many pupils with EBSD at present have to be placed and educated out-of-Borough.

7. The present arrangements give poor value for money. There are significant numbers of unfilled places because there is now a broader range of needs which are not met by the existing provisions. These unfilled pupil places in schools and units are costly to maintain while at the same time there are pupils with un-met needs.

8. The special schools and units present a mixed picture in regard to OFSTED inspection outcomes. While some are excellent others have been judged to

be inadequate. It is the right of every pupil to attend high quality provision wherever they live and whatever their particular needs.

### Consultation

9. The development of the SEN Strategy has been supported by a multi-agency professional reference group, involving representatives from mainstream schools, special schools and units, the health service, social services, the Dudley Association of Governing Bodies, as well as specialist staff from within the Directorate. In addition, parental views were considered through the attendance of Dudley Parent Partnership and other parental group representatives at the reference group and otherwise. The professional associations have been specifically consulted. At various points specific individuals or interest groups were engaged in discussions. An independent review was commissioned from the University of Birmingham.
10. There has been a two year period of consultation on various proposals. In addition to a range of discussions with specific groups, there has been formal public consultation on three occasions. The formal public consultations were each analysed by an independent professional and the outcomes of the consultations have been published.
11. The key outcomes from the consultations were:
  - There was universal agreement with the general principle that children with SEN should wherever possible be educated in the borough and alongside their peers, and that transport distances and times should be kept to a minimum.
  - Dudley needs to retain, and continue to develop, specialist expertise in SEN within the borough.
  - Special schools should be retained as they have a very specific rôle with some pupils.
  - Existing provision must be retained where it is of high quality.
  - Local provision around the five townships would be desirable, with campus-based provision where possible.
  - There was general concern about the effect of closures both on individual children presently receiving education, and on future children, and on the morale of staff.

- There was concern about the nature and cost of new buildings.
  - There was concern about the need to ensure that the new arrangements were neither overly expensive nor a hidden cost saving.
  - There was a concern that mainstream and specialist staff would require proper and effective training.
  - Pupils with hearing impairments needed continuity between primary and secondary phases.
  - Changes need to take account of the impact on all pupils, both those with special needs and others.
12. Following each consultation period and subsequent analysis, the Directorate has redrafted the SEN Strategy taking account of the issues raised wherever possible, as well as other factors. For example, the DfES decisions relating to 'Building Schools for the Future' (BSF) have required a re-thinking of the buildings issues.
13. This process led to the SEN Strategy document published on 7 March 2005.

#### Issues raised since publication on 7 March

14. Since publication the issues have largely related to the future of the special schools, and the proposals that would have required some pupils to move schools in September 2007 or before that.
15. In the light of these concerns, the SEN Strategy has been further developed to ensure that existing provision is continued and improved; that poor buildings are refurbished or rebuilt; and that the breadth and flexibility of SEN provision is increased, so as to best meet parents' and children's preferences.

#### The SEN Strategy

16. The principles underpinning the SEN Strategy can be summarised as:
- Where possible, local provision will be made for children with SEN – 'local schools for local children'.

- There will be a wider range of provision to meet the breadth of needs.
  - Increased flexibility will be provided to children and parents through the greater choice of provision.
  - All specialist staff working in special provisions will be retained and there will be development opportunities and specialist training for all school staff who need it.
  - The Directorate, special schools and provisions, and mainstream schools will work increasingly closely with other agencies in light of the Children Act 2004.
  - Unnecessary disruption and change for pupils with SEN will be avoided both through continuation of existing provisions and through the Annual Review process and engagement with parents and children themselves, where this is practicable.
17. The current provision for pupils with SEN needs to be realigned. However this does not mean a wholesale movement of children with SEN into mainstream schools. This has never been the intention; indeed the SEN Strategy has more planned places for children with SEN than there are presently children in special provisions. However, the label of 'inclusion' has proved misleading and no longer features.
18. Children's placements will continue to be identified through Statements of SEN, prepared in close consultation with parents and, where possible, children. On those rare occasions when the specialist SEN officers cannot reach agreement with parents and children, parents and children will have recourse to the SEN Tribunal, as at present.
19. Summary of proposals
- Retain the existing special schools.
  - Relocate Old Park School on a new site with a new building (see below).
  - Expand EBSD provision at Rosewood School by relocating to a new and larger site (see below).
  - Establish a small EBSD primary provision linked to Rosewood School.

- Continue to develop the PRU provision so that it becomes more preventative.
  - Establish 10 new Additional Resource Centres (ARCs) located within mainstream schools to make provision for those children who can benefit from part of a mainstream curriculum but are not able to operate fully within a mainstream environment. The ARCs will cater for local children with one in each township for primary and one in each township for secondary (see below).
  - Establish new secondary units in each township for pupils on the autistic spectrum.
  - Relocate the language units so that there is one in the north and one in the south of the borough.
  - Continue to offer and encourage training across sectors for all staff.
  - Redefine and establish clear and transparent processes for assessment and placement of pupils with SEN.
  - As patterns of parental preference develop within the new framework, planned places in the different SEN provisions will be reviewed on an annual basis.
20. There are two possible strategies for improving the buildings at Old Park School. The first would involve 'decanting' the children into temporary accommodation for at least a year while the present building is demolished and rebuilt. This would be very expensive as well as disruptive for the children. The alternative is to develop the new school buildings on a new site already owned by the Council and then to relocate the school and sell the existing land and buildings. This is the preferred option as it would enable a second 'campus' development along the lines of Campus 21.
21. The relocation of Rosewood School will require a new, larger, site; none has yet been identified but this would be a matter of urgency.
22. Additional Resource Centre (ARCs) will consist of provision for children located on a mainstream school site but separate from it. ARCs will make provision for those children who can benefit from part of a mainstream curriculum but are not able to operate fully within a mainstream school environment. The ARCs will enable children and staff to work toward

gradual and appropriate levels of integration but also allow for withdrawal for small group and individual work as appropriate to the individual child's needs. The ARCs will provide a stepping-stone for pupils between special and mainstream school when they become ready for a greater level of integration. This specialist provision is not available at present and will provide a key element of parental choice. The ARCs will be developed on a phased basis, with no child in a special school placed in an ARC unless a request is made by the parents and children. Children with new Statements of SEN will be placed in ARCs where this is agreed by parents, children and SEN specialist officers. Initial plans are being made for around 25 pupils in the primary phase and 25 in the secondary phase.

23. There will be no disruption to existing patterns of staffing. Any changes will be gradual. As changes develop over time, the professional associations will support any member of staff who may be affected.
24. All school staff will have access to ongoing training and professional development through their delegated school budget and school improvement grant. Centrally-based staff have similar training provision. In addition additional funding of £150,000 has been identified from SEN budgets to support and boost levels of training specifically around SEN.
25. Subject to approval, the SEN Strategy will be implemented through a process of detailed action planning involving all mainstream and special schools and the multi-agency professional reference group. There will be a series of individual Decisions by the Cabinet Member on the implementation of each of the key elements of the SEN Strategy.

### Finance

26. The implementation of the SEN Strategy is expected to be revenue cost neutral. From April 2006 the costs of all special provisions will be met from the Dedicated Schools Budget.
27. Work has been undertaken over the last year on the analysis of the costs of meeting the educational needs of individual children in the different provisions. This work will lead to the introduction of an equitable, open and transparent funding matrix for April 2006.
28. This development work is being carried out in close consultation with the Headteachers Consultative Forum and its Budget Working Group and Access and Inclusion Working Groups. There will be formal consultations

with the Schools Forum as appropriate, as well as the Select Committee for Lifelong Learning.

29. The capital costs of relocating Old Park School will be the subject of a bid to the DfES for capital funding under the 'Targeted Capital Funding' (TCF) programme. If this is not approved, other options will be considered.

#### Law

30. The legislation governing special educational needs is set out in:

- the Education Act 1996
- the School Standards and Framework Act 1998
- the Disability and Discrimination Acts 1995 and 2001
- the Special Educational Needs and Disability Act 2001
- the Children Act 2004
- the SEN Code of Practice 2001

#### Equal Opportunities Policy

31. This report and the SEN Strategy itself aim to meet the Council's equal opportunities policy by ensuring equality of access to high quality and appropriate education provision for all children whatever their level of needs, background or locality.

#### Proposal

32. It is proposed that the Cabinet considers and endorses the amended SEN Strategy published with this report.



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## Background documents

Inspection Report on Dudley LEA (OFSTED 2000)  
Inspection Report on Dudley LEA (OFSTED 2002)  
Post-OFSTED Action Plan (2002)  
School OFSTED inspections (OFSTED, various)  
Policy for Educational Inclusion (2002)  
Dudley Inclusion Strategy Document (2002)  
Consultation responses to the Inclusion Strategy Document (2003)  
Revised Dudley Inclusion Strategy 2004-2010 (2003)  
Consultation responses to the Revised Dudley Inclusion Strategy 2004-2010 (2004)  
Inclusion Strategy Action Plan (2004)  
Consultation responses to the Inclusion Strategy Action Plan (2004)  
The SEN Strategy (2005)

## Glossary of terms and abbreviations used in the report

### **Building Schools for the Future**

### **BSF**

(BSF is the programme to rebuild or renovate every secondary school, including special schools with secondary pupils, in England within 15 years. Recent announcements mean that Dudley will not benefit from this programme until 2008 at the earliest, with new buildings not in place until 2010.)

### **Additional Resource Centres**

### **ARCs**

ARCs will be located within mainstream schools and will make provision for those children who can benefit from part of a mainstream curriculum but are not able to operate fully within a mainstream environment.

### **Department for Education and Skills**

### **DfES**

### **Joint Area Review of Children's Services**

### **JAR**

A JAR is the multi-agency inspection of all children's services in a local authority area, coordinated by OFSTED, introduced by the Children Act 2004. The first JAR in Dudley will be between January and March 2006.

### **Moderate learning difficulty**

### **MLD**

In non-technical terms, MLDs vary along a spectrum from very mild, in which a Statement is not required and the child has a mainstream school place, to mild, where a Statement is required and the child has a mainstream place, to more complex, where a Statement is required and the child can benefit from some aspects of a mainstream school but cannot cope with a full-time placement, to more complex, where a statement is required and the child is placed in a special school.

### **Office for Standards in Education**

### **OFSTED**

OFSTED is a non-departmental government body that inspects and reports on education provision. Among other rôles, it inspects the work of the Council as the local education authority, and of schools.

### **Pupil Referral Unit**

### **PRU**

PRUs are similar to schools but are intended to make short-term provision for pupils excluded from school (without statements) and for pupils who cannot

otherwise attend school for a short term period, for example because of hospital attendance.

## **Special educational needs**

## **SEN**

Pupils with SEN have a statutory 'Statement of SEN' setting out the provision required. The assessment process is known as 'Statemementing' and is carried out in partnership with parents.

## **SEN Code of Practice**

The SEN Code of Practice is the statutory framework that the Council has to follow when operating the SEN legislation.

## **SEN Tribunal**

The SEN Tribunal is the independent statutory body that resolves disputes between parents and Councils relating to the provision made for individual children. The ruling of the Tribunal is binding and final.

## **Targeted Capital Funding**

## **TCF**

TCF is a one of several capital programmes supported by the DfES. It is the most closely matched to the need to rebuild Old Park School.

**SECTION 3: SPECIAL EDUCATIONAL NEEDS****Summary of the effectiveness of the LEA's Special Educational Needs provision**

107. In the last inspection, the LEA's arrangements for meeting special educational needs were judged to be unsatisfactory and providing poor value for money. Under strong leadership, this area is now being tackled with commitment and energy. Satisfactory progress has been made, although much of it is recent. There are now sound systems for meeting statutory obligations, supporting school improvement and raising standards. Substantial improvements have been made to special educational needs policy and aspects of provision. The new team has not had sufficient time to develop a satisfactory special educational needs strategy, although the general direction of change is clear. Links between the access and inclusion plans and EDP 2 are inadequate.

**The LEA's strategy for Special Educational Needs**

108. The last inspection found the LEA's strategy for SEN to be unsatisfactory. This remains the case, despite recent improvements.

109. After a faltering start when, in some respects, the situation deteriorated, there was a major restructuring, resulting in the establishment in September 2001 of a new division for access and inclusion, under new leadership. Since then progress has been considerable. Policies have been prepared for inclusion and additional educational needs and for delegated funding. An external consultant has been commissioned to work closely with officers and schools to produce practicable solutions. Extensive work has been done in consultation with schools on modelling an integrated pattern of inclusive provision. While the shape of future developments is clear, there is as yet no logistical plan, underpinned by an appropriate financial strategy, showing the implications for schools and services. This contributes to continued anxiety in schools.

110. The pattern of special school provision continues much as before. There is an imbalance in favour of provision for moderate learning difficulties and a shortage of provision for emotional and behavioural difficulties, the latter exacerbated by the need currently to free places in pupil referral units for pupils with no school place. A complete solution is dependent on the logistical plan that the LEA is determined to produce by the end of this school year.

**Recommendation**

**In order to develop the LEA's strategy for special educational needs and inclusion:**

- agree firm plans for the future of special schools, units and relevant central services.