

<b>DECISION-MAKER:</b>	<b>CABINET</b>
<b>SUBJECT:</b>	INCREASING PUPIL NUMBERS AT THE CEDAR SPECIAL SCHOOL AND THE POLYGON SPECIAL SCHOOL
<b>DATE OF DECISION:</b>	17 NOVEMBER 2020
<b>REPORT OF:</b>	CABINET MEMBER FOR CHILDREN AND LEARNING

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Executive Director Wellbeing (Children and Learning)	
	<b>Name:</b>	<b>Robert Henderson</b>	Tel: 023 8083 2079
	<b>E-mail</b>	Robert.henderson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	Service Manager SEND	
	<b>Name:</b>	<b>Tammy Marks</b>	Tel: 023 8083 2136
	<b>E-mail</b>	Tammy.marks@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>
Not applicable
<b>BRIEF SUMMARY</b>
A proposal to increase the pupil numbers at The Cedar Special School and The Polygon Special School was brought to Cabinet on 18 August 2020 for permission to go out to statutory consultation. A four week period of consultation has now concluded and Cabinet is being asked to approve the proposals in full.
The numbers and complexity of children with special educational needs and disabilities has been increasing year on year for the last 10 years, putting pressure on Special School Places, with all schools reaching capacity in the next 2 years.
The Cedar Special School has been operating above its published admission number ('PAN') of 80 for the last year with 88 pupils currently on role and one more joining in Year 6. With the likelihood of additional requests being made to the school throughout the year and in subsequent years it is predicted that the number of pupils needing a place will continue to increase. It is therefore proposed to formally increase the PAN to 90.
The Cedar School is a community special school.
The Polygon Special School currently has a PAN of 60. There are currently 66 pupils on roll due to the demand for places and no alternative provision within the city. As the numbers of pupils with social, emotional and mental health needs is expected to increase significantly in the coming years this demand for places will continue to increase. It is therefore proposed to formally increase the PAN at The Polygon School to 70.
The Polygon School is a foundation special school. It is part of the Southampton Co-operative Learning Trust.
Both proposals form part of a major expansion and reconfiguration of special school provision being developed within the city.

**RECOMMENDATIONS:**

	(i)	To consider and determine the representations made in response to statutory consultation and to approve the following statutory proposals, without modification, for implementation: a) To increase the PAN of Cedar Special School from 80 to 90 pupils from 1 January 2021 resulting in an increase in total school capacity of 10 pupils once the proposals have been fully implemented across all age ranges. b) To increase the PAN of The Polygon Special School from 60 to 70 pupils from 1 January 2021 resulting in an increase in total school capacity of 10 pupils once the proposals have been fully implemented.
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**REASONS FOR REPORT RECOMMENDATIONS**

1.	Both The Cedar and The Polygon Schools have been operating above their published numbers for the last year. With the expectation that pupil numbers will continue to rise it is important that the published admission number reflects the number on roll and the capacity of the school. All schools are required to have a published admission number.
2.	The proposals were consulted on prior to statutory notices and as part of the statutory consultation process with both schools' Senior Leadership Teams, Governing Bodies, staff and parents. The proposals were also sent to the Unions. During statutory consultation the notices were placed on school gates and in reception areas, sent to all parents and to the Parent Carer Forum and sent out via social media. Comments were received from 6 respondents – see Enclosure 4 for details of the feedback received and the SCC response. The feedback centred mainly around concerns regarding staff : pupil ratios. As funding follows the pupil, any increase in pupil numbers will attract an increase in funding for additional staffing. All respondents were satisfied with this assurance.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3.	To approve the proposals with minor modifications (requires further statutory consultation)
4.	To reject the proposals as advertised in full.
5.	It is not considered appropriate to modify or reject the proposals because due to the complexity of needs, children identified as needing a place at either of these schools will have to be educated in an alternative Special School out of the city, either Local Authority or independent if sufficient places are not available. The former will attract the same level of funding as Southampton Special Schools and will require pupils to spend avoidable time and discomfort in travelling. Other Local Authorities have the same pressures on their Special Schools and a shortage of places. Independent Special Schools cost significantly more, in the region of £70,000 per place (including transport), and again will have the negative impact of daily travel on the child and additional travel costs. Both options will impact on the home to school transport budget.

**DETAIL (Including consultation carried out)**

6.	The Local Authority has a statutory duty to ensure that there is a sufficient supply of school places in its area for children of school age. In addition all children and young people are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential (Code of Practice 2015 6.1)																						
7.	The number and complexity of children with special educational needs has been increasing year on year for the last 10 years and is predicted to continue to rise for the foreseeable future.																						
8.	<p><b>Number of Education, Health and Care Plans maintained by Southampton City Council 2010-2020</b></p> <table border="1" data-bbox="331 667 1433 739"> <thead> <tr> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>567</td> <td>593</td> <td>634</td> <td>655</td> <td>701</td> <td>803</td> <td>1021</td> <td>1181</td> <td>1387</td> <td>1522</td> <td>1736</td> </tr> </tbody> </table> <p><i>Source: DfE SEN 2 Return</i></p>	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	567	593	634	655	701	803	1021	1181	1387	1522	1736
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9.	Whilst many of these children will be educated within mainstream schools, the increasing complexity of needs is putting pressure on the city's special schools with most either at or reaching capacity in the next year.																						
10.	Educating children locally is the preferred option for parents and ensures that children have access to high quality educational provision (Both The Cedar School and The Polygon School were rated Good in their last Ofsted inspections). It enables the Local Authority to more easily monitor provision and outcomes and ensures that children have access to local health and social care services. It enables children and their families to develop friendships with other Southampton children and families and to be supported throughout their journey to adulthood by local community provision.																						
11.	The Cedar School and Polygon School take children from across the city. Home to school transport will be arranged for those pupils who meet the criteria. This will impact on the home to school transport budget.																						
12.	Due to the different types of SEND, the changing needs of individual pupils and the nature of the environment, the number of pupils on roll has a degree of flex, with the individual needs of each pupil, within the context of the SEND profile across the school, considered at each admission panel meeting. This flex however can result in continual creep in numbers and a loss of the impact of the overall increase over time. It is therefore important that published admission numbers are reviewed and amended, if required, to reflect the capacity of the school and staff.																						
13.	Both schools are currently operating above their published PAN. An assessment by the Headteachers of both schools of the impact of an additional 3 pupils at Cedar School and 4 pupils at The Polygon on staff, the site or facilities has been deemed to be negligible.																						
14.	Prior to statutory consultation the proposals were discussed with the Headteachers, Governing Bodies, staff and parents of both schools. They were shared with the Unions and with the Parent Carer Forum. Comments were received from two parents, the Parent Carer Forum and the Unions.																						

	The main concerns raised by parents and Unions was the impact on staff : pupil ratios. As funding follows the child, any increase in pupil numbers will result in an increase in staffing. See Enclosure 4 for further detail.
15.	The Parent Carer Forum also asked how the plans would impact on decisions made around families requesting out of city placements. Whilst we are continually looking to increase the offer within the city so that parents feel confident in placing their child within a local school, there will always be some children who due to their complexity and the bespoke nature of their needs will require an out of city placement. This proposal will not affect that. For those pupils whose needs could be met within the city this will always be our preferred option.
16.	During the statutory consultation period held 7 September 2020 to 4 October 2020 one further comment was received which highlighted the continued lack of choice within the city for girls with SEMH. Whilst these proposals do not address this recognised gap it is included in the broader expansion and reconfiguration programme for specialist provision, which will be brought forward in early 2021. This programme will consider developing a provision for girls at Morris House which is part of the Polygon School campus.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
17.	Children placed in a Special School attract base funding of £10,000 per pupil plus top up costs according to need (Band 2 top up costs for Cedar = £11,708; Band 2 top up costs for Polygon = £9,542). These costs are based on pupils on roll and not the published admission number
18.	The budgeted revenue for 20/21 for The Cedar school is based on 85 pupils. The budgeted revenue for 20/21 for Polygon School is based on 60 pupils
19.	An additional 5 places in Cedar School will require revenue funding of £21,708 x 5 = £108,540.
20.	An additional 10 places at The Polygon School will require revenue funding of £19,542 x 10 = £195,420.
21.	This increase in revenue will come from the Dedicated Schools Grant and will prevent the need to use high cost out of city provision (Approximate costs of independent out of city provision = £70,000 x 15 = £1,050,000). Therefore, the annual cost will be £108,450 plus £195,420 which is a total of £303,960. These will be offset by the saving from not placing children in out of city settings of £1,050,000 creating an annual saving of £746,040. The saving will be used to fund other DSG activities in the High Needs Block under the conditions of the grant
<b><u>Property/Other</u></b>	
22.	There are no property implications

<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
23.	The Council has a statutory duty to provide sufficient school places to secure attainment and meet demand in accordance with s.13-14 Education Act 1996
24.	In order to make changes in pupil numbers of the number and type proposed the Council is required to follow a statutory school organisation process set out in The Education & Inspections Act 2006 and further detailed in The School Organisation (Prescribed Alterations to Maintained Schools (England) Regulations 2013 . The Regulations require engagement and consultation with schools prior to publishing statutory proposals in the form of a Notice, allowing 4 weeks for representations to be made by interested parties. Following that period, the Council has a maximum of 2 months to make a decision on the proposals (reserved to Cabinet) at which point it may approve them, subject to specific statutory modifications or reject them. The modifications and conditions that can be imposed are strictly limited by the legislation.
25.	The Council has additional, specific duties, in relation to the provision of education for children with special educational needs (SEN) as set out in Part 3 of the Education Act 1996.
<b><u>Other Legal Implications:</u></b>	
26.	In making the proposals the Council is required to have regard to the provisions of the Equality Act 2010 and in particular s.149, the Public Sector Equality Duty to ensure the proposals and any impacts they may have on those with protected characteristics are taken into account and mitigated or improved as a result of the design of the proposals
<b>RISK MANAGEMENT IMPLICATIONS</b>	
27.	In considering these proposals an assessment of risks was undertaken by the relevant Headteachers and Governing Bodies. No risks of concern were identified.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
28.	These proposals support the Children and Young People’s Strategy 2017-20 in supporting children and young people with SEND to achieve their potential in all aspects of their lives.
29.	They also support the SEND Strategy 2017-20 in ensuring that there are sufficient places in schools following a forecast of need.

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All wards This proposal affects school age children only

SUPPORTING DOCUMENTATION

**Appendices**

1.	Proposal to increase the number of places at The Cedar School , Southampton, from 80 places to 90 places from January 2021.
2.	Proposal to increase the number of places at The Polygon School, Southampton, from 60 to 70 places from January 2021.
3.	Equality and Safety Impact Assessment
4.	Feedback from consultation on the proposals to increase pupil numbers at The Cedar School and The Polygon School

**Documents In Members' Rooms**

1.	None
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**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	