

Planning and Developing Special Educational Provision

A Guide for Local Authorities and
Other Proposers

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PLANNING AND DEVELOPING SPECIAL EDUCATIONAL PROVISION

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INTRODUCTION

1. This guidance is intended primarily for local authorities (LAs) and other proposers of new special educational provision and all those responsible for making decisions about the organisation of special educational provision. But it will also be relevant to schools and early years settings, health trusts, and private and voluntary sector partners working in this area, and should be used by the Office of the Schools Adjudicator when considering proposals to reorganise SEN provision. This guidance should be read in conjunction with the Decision Makers' Handbooks.

(<http://www.education.gov.uk/schools/leadership/schoolorganisation>)

2. Local Authorities and other providers should make the best possible provision for children with special educational needs and disabilities by using this guidance as a positive check on proposed developments.

3. It relates to local authorities' statutory responsibilities in the Education Act 1996 and the Special Educational Needs (SEN) Code of Practice (2001), the Disability Discrimination Act 1995, the Childcare Act 2006 and the Education and Inspections Act 2006:

- Section 14 of the Education Act 1996 places a general duty on LAs to secure that there are sufficient schools for providing primary and secondary school education and requires them in particular to have

regard to the need to secure that special educational provision is made for pupils with special educational needs; section 315 requires LAs to keep their arrangements for SEN provision under review.

- Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.
- The Education and Inspections Act 2006 gives local authorities the responsibility for determining school reorganisation proposals in the first instance as from summer 2007. The Act provides that where there is concern about an LA's decision the governing bodies and trustees of foundation special schools, and local strategic education partners (those previously represented on the School Organisation Committee), will be able to refer the proposals to the independent Schools Adjudicator who will consider them afresh.
- The Education and Inspections Act 2006 requires LAs to consider and respond to parental representations when carrying out their planning duty to make sure that there is sufficient primary and secondary provision and suitable SEN provision in their area.
- Many children with special educational needs (SEN) will also be disabled, and some disabled children, though they may not have special educational needs, may have particular access requirements. LAs are under a statutory duty under the Disability Discrimination Act 1995 to increase the accessibility of schools for disabled pupils and to prepare accessibility strategies showing how they plan to:
 - increase the extent to which disabled pupils can participate in the school curriculum
 - improve the physical school environment
 - improve the delivery to disabled pupils of information normally provided to non-disabled pupils in writing in different formats
- The Disability Discrimination Act 1995 requires local authorities and schools to promote equality of opportunity for disabled people (children, staff and members of the public using their services) and produce disability equality schemes showing how they will do this. The duty to have a disability equality scheme applies to secondary schools from December 2006 and primary schools, special schools and Pupil Referral Units from December 2007.
- Within their overall planning LAs **must**¹ carry out an assessment of the provision of childcare within their area, taking into account the views of

¹ Under sections 6 – 10 and 13 of the Childcare Act 2006

parents, and secure sufficient childcare for children up to 14 to meet the needs of working parents and provision for disabled children up to 18. However this guidance is only relevant to the early years provision of the governing body of a maintained school. LAs should also bear in mind that the free entitlement to early education for 3 and 4 years olds is frequently provided through schools and therefore a proposal to close a school could adversely affect this entitlement

- Every local authority is required by the Children Act 2004 to record in a single Children and Young People's Plan (CYPP) how services will be provided locally according to need including services for children with SEN and those who are disabled.

4. This guidance requires that when proposals are developed for reorganising or altering SEN provision LAs and/or other proposers will need to show how they will improve on current arrangements. Paragraphs 21 and 22 set out a number of factors that local authorities and other decision makers should consider when determining statutory proposals to reorganise SEN provision. It encourages LAs to develop a range of provision to meet the range of children's SEN, recognising that this may include provision in mainstream schools or special schools or, in specialist resourced provision within a school or in a specialist unit attached to, or co-located with a school, in mainstream early years and childcare settings, or through federations, collaborations and partnerships. The key features of any form of SEN provision should be its flexibility and capacity to meet the individual needs of the children through access to appropriate specialist support and advice, however that is provided, and its effectiveness in improving progress and raising achievements

5. Within the context of any review or reorganisation of SEN provision LAs should be endeavouring to ensure equity and fairness across the authority. LAs and other decision makers need to appreciate that making changes to historic patterns of provision can be difficult to achieve as they may lead to a perceived reduction in the range of type of provision in one school or locality whilst ideally contributing to a greater and more appropriate range of provision across the authority or region. It should also be recognised that maintaining unnecessary provision may lead to unreasonable public expenditure which does not represent value for money. Reorganisation can, of course, release funding which can be used to invest in more effective provision.

6. When planning any changes to SEN provision, including closing special schools, opening new special schools, or adding, changing or removing SEN provision in mainstream or special schools, the local authority should consider whether statutory proposals are required. Where proposals are required they will need to follow the statutory process for new schools, school closures and for changes to SEN provision in mainstream schools as set out in the Decision Makers Guidance.

7. This guidance does not provide a definitive interpretation of the law; that is a matter for the courts alone.

Planning and Commissioning

8. LAs may develop SEN provision themselves or commission from other statutory, private and voluntary providers, including independent and non-maintained special schools and specialist support and outreach services. It is not necessary for all types of provision to be located within a local authority area, but a local authority should know where to access appropriate provision that is required for an individual child with SEN where that is not provided locally.

9. LAs and the local Learning and Skills Councils (LSC) have key roles in planning and commissioning post 16 provision and also have increasing joint involvement in provision for young people 14 – 19. It is therefore critical to ensure collaboration between local authorities and the LSC when planning provision for secondary age pupils.

10. All schools will have some children on roll who have special educational needs (SEN), so there will be SEN considerations implicit in every school reorganisation. School reorganisation provides opportunities for LAs to consider the most effective ways of ensuring that appropriate SEN provision is delivered to pupils wherever it is needed.

11. The patterns of provision in each local authority area should be informed by local needs and circumstances, careful consultation and a widely shared local understanding of the role of specialist provision in meeting children's SEN and providing access to education for disabled pupils.

12. Reviewing provision, making a plan, commissioning and responding to parental representations can only be carried out successfully after an audit and analysis of local needs, including the needs of children and young people with SEN and/or disabilities and their families. LAs should, when reviewing SEN provision, consider and take full account of the impact of current provision and services on the outcomes for children and young people before planning any strategic reorganisation of provision. Any needs analysis undertaken should be a shared process, including where appropriate, the local LSC and all other local partners including the voluntary sector.

13. The analysis should lead to integrated commissioning arrangements for services, through the mechanism of local children's trust or other arrangements, and these arrangements should always link to local Primary Care Trusts for health provision and services and, where appropriate, to local providers within the private and voluntary sectors. Local authorities can also work together in regional or sub-regional groups to plan and commission services and provision. Local partners should consider putting in place pooled budgets, using flexibilities granted under Section 31 of the Health Act (1999) or Section 10 of the Children Act (2004), to underpin the delivery of specialist support for individual children.

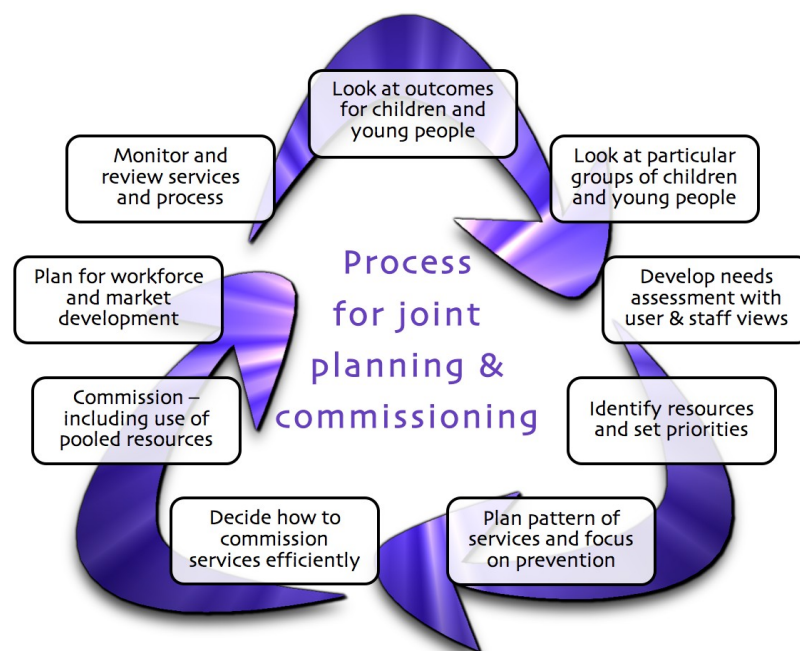
14. All local partners should be involved in local strategic planning

arrangements, including how services will be commissioned, in order to improve outcomes for all children and young people in their area in line with the Every Child Matters framework so that services are working towards helping every child to:

- be healthy
- stay safe
- enjoy and achieve
- make a positive contribution
- achieve economic well being

15. Local partners should use the DfE-DH Joint planning and commissioning framework for children and maternity services for the delivery of all children's services including SEN provision. The joint planning and commissioning cycle is set out below:

16. The Joint Planning and Commissioning Cycle



Initial Considerations

17. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or

education settings

- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of local authority day and residential special provision
- iii. are consistent with the LA's Children and Young People's Plan
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum², including the National Curriculum, within a learning environment in which children can be healthy and stay safe
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community.
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies;
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved

18. Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

Increasing Diversity – new schools

19. It has always been possible for any organisation, association or individual to publish proposals to set up a new maintained mainstream school. This route is now open in respect of special schools. A wide range of promoters with a contribution to make to educational standards and diversity are entitled to publish proposals to establish a new maintained special school. This includes parent and community groups, charitable companies, voluntary groups including church and faith communities, those offering distinctive

² The requirements of a broad and balanced curriculum are set out in sections 78 to 96 of the Education Act 2002.

educational philosophies, existing schools or consortia of schools. Any proposals need to be embedded in a local coordinated approach within an assessment of local need. Before publishing proposals, the proposers need to seek the Secretary of State's consent to publish under Section 10 of the Education and Inspections Act 2006.

20. The non-maintained sector currently contributes locally and nationally to expertise in SEN, and is involved in developing and providing outreach services through partnerships with local authorities and maintained schools. Non-maintained special schools may apply to join the maintained sector and are not required to enter a competition.

The SEN Improvement Test

21. When proposing any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to decision makers should show how the key factors set out in the paragraphs below have been taken into account. Proposals which do not credibly meet these requirements should not be approved and decision makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.³

Key factors

22. When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy
 - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services
 - c) improved access to suitable accommodation
 - d) improved supply of suitable places
- LAs should also:
 - i. obtain a written statement that offers the opportunity for all providers of

³ Decision Makers Guidance

- existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum.
 - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children
 - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

23. It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

24. The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

25. Decision makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

Desired outcomes

26. Any proposals for SEN reorganisation should fit within the clear strategic framework set by the local authority for meeting the full range of special educational needs. The pattern of mainstream and specialist provision that results, and the way schools and settings operate, should be based on the special educational needs of children within the local area as identified within the CYPP.

27. From the perspective of a child and their family special educational provision in any given LA area should be geared to achieving the following:

According to their individual needs, children should be able to:

- attend schools and settings with skilled staff able to provide high quality teaching, and a personalised curriculum differentiated according to their needs which enables them to progress with their learning
- have access to specialist help, support and guidance – in the first instance from a skilled member of staff in their school or setting but from an external specialist where appropriate
- benefit from integrated family support services and interventions where there are underlying difficulties related to home circumstances impacting on their learning
- have access to health related support and interventions where they have medical needs
- have access to an Early Years Foundation Stage curriculum that addresses their learning needs
- have access to a 14-19 programme that addresses their learning needs and which provides, where appropriate, access to the new vocational diploma courses

Parents and families should be provided with:

- good information as and when they need it on the range of SEN provision in the area through local Parent Partnership Services and other routes
- good information about the progress of their children and the plans and interventions used to address their learning and other difficulties

and

- always be involved when decisions about specialist provision or a change of placement are being considered with support from local Parent Partnership Services where appropriate.

Developing a range of provision

28. All maintained mainstream schools and early years settings must make provision for children on their roll who have SEN and make reasonable adjustments for disabled children. Special schools play an important role in meeting children's needs directly and in providing outreach to other schools. In addition some mainstream schools may be designated as having a specific role in making provision for children within the local area or region who have a particular type or types of SEN.⁴

⁴ The four areas of SEN are set out at 7:52 of the SEN Code of Practice (2001)

29. In developing a range of provision local authorities should consider carefully the types of provision they need to meet the needs of children in their localities and how such provision might best be made.

Access to specialist support

30. In any proposals for change LAs will need to ensure access to appropriate specialist support from a range of people including educational psychologists, curriculum and behaviour support professionals, specialist and advisory teachers.

31. SEN support and outreach services can be provided in a number of ways - centrally by the LA, commissioned and delivered from special schools or resourced provision or units in the mainstream, from the independent and voluntary sectors or other LAs and through collaborations, federations and partnerships. In providing such services LAs should take into account the following objectives:

- extending SEN advice and support to early years settings
- offering advice and support on a preventative basis to boost earlier intervention
- supporting the development of inclusive practice in all schools and early years settings
- making the best use of existing specialist provision

32. Children with SEN and disabilities may require access to a range of services including speech and language therapy, physiotherapy and occupational therapy. LAs have a duty under the Children Act 2004 to cooperate with other local partners, including Strategic Health Authorities and Primary Care Trusts, to improve children's well-being. Sound cooperative arrangements will need to be in place locally to ensure that children affected by changes to SEN provision have access to appropriate services. In planning changes to SEN provision LAs will wish to consider bringing together a range of specialist services in Children's Centres or full service extended schools.

Types of provision

33. Though terminology may vary from authority to authority, specialist provision may take a variety of forms:

- Mainstream schools - where children with SEN are supported at School Action and School Action Plus or through statements
- Specialist mainstream schools - which have a particular SEN specialism and provide outreach to other schools

- Resourced Provision – where places are reserved at a mainstream school for statemented pupils with specific types of special educational needs who are taught mainly within mainstream classes but also require a base and some specialist facilities around the school
- Designated Unit – are special provisions within a mainstream school, where statemented pupils with specific types of special educational needs are taught wholly or mainly in separate classes
- Special school – organised specifically to cater for statemented children who have particular types of SEN
- Specialist special schools - which have a particular SEN or curricular specialism and provide outreach to other schools
- Co-location – statemented children are educated in separate special school facilities with separate staff but on site with a mainstream school or vice versa. There should be some interchange of pupils, resources, staff and dual use of facilities
- Co-location – statemented children educated in a separate special school but on site with a provider other than a mainstream school
- Resourced Provision or Designated Units - as part of the arrangements within a special school where a particular type of SEN may be a subset of the area of SEN for which the school normally provides (e.g. provision for children with autistic spectrum disorders within a school for children with moderate learning difficulties)

34. Any proposals for the location of special educational needs provision within a mainstream setting or on a mainstream site should be specific about the arrangements intended in each case. LAs should consider carefully their development of mainstream provision where this is linked to the reorganisation of special school provision to ensure access to appropriate specialist support. In particular, LAs may need to consider the role of Local Authority specialist support services, e.g. visual impairment, hearing impairment and behavioural support services, in providing support to mainstream schools and nursing/medical requirements, access to therapists and other professionals. The LA may propose that some specialist services are provided as an outreach service from a special school or commissioned from the private or voluntary sector, another LA or regionally.

35. According to an Ofsted survey pupils with SEN are as likely to make good progress with their academic, personal and social development in primary, secondary or special schools so long as there are high quality specialist teachers and a commitment by leaders to create opportunities to include all pupils. When planning or commissioning provision LAs may wish to consider Ofsted's suggested success criteria.⁵

⁵ **Inclusion: does it matter where pupils are taught?** Ofsted 2006

Developing regional and sub-regional provision for low incidence needs

36. It is not always possible for local authorities to establish their own schools for children with low incidence very severe and complex special educational needs such as multi-sensory impairments; severe visual impairment; severe/profound hearing impairment; profound and multiple learning difficulties; severe autistic spectrum disorders and/or severe behavioural, emotional and social difficulties. LAs should consider what cooperative arrangements across local boundaries could be put in place to meet the needs of these children. They should also consider whether and how particular expertise of non-maintained and independent schools could contribute to local, regional and sub-regional and national provision.

37 The Department carried out a national audit of provision for low incidence needs and sought views on the case for Regional Centres of Expertise as proposed in the Government's SEN strategy *Removing Barriers to Achievement*. The audit concluded that:

- RCEs should strengthen and reinforce, but importantly not replace, existing expertise at the local level
- “virtual” support arrangements, as distinct from, say, a specific physical centre, designed to promote local knowledge and expertise may be appropriate but also some support for more direct provision in areas of particular difficulty, notably behavioural, emotional and social difficulties
- Arrangements should be flexible enough to reflect local priorities and needs and should strengthen links between regional and sub-regional planning.

38. The Regional Partnerships were established following the Green Paper *Excellence for All Children* to promote inter-authority collaboration. Working in conjunction with the Partnerships, the Department is supporting regional innovation projects geared to local needs but with a particular focus on low incidence needs. All Regional Partnerships have received grant support for innovation projects and activity to a total value of £1.8m is being supported in 2007-08 (building on earlier support in 2006-07). In planning SEN provision for low incidence needs, authorities will wish to take account of this work in their region, and indeed beyond it, where appropriate.

Early Years Provision

39. The requirement to demonstrate that proposals lead to improvements in SEN provision applies also to early years provision made in mainstream and special schools admitting children below compulsory school age.

14-19 provision

40. The Learning and Skills Council has legal responsibilities in respect of the planning and funding for post-16 education and training. In October 2006 the LSC published its national strategy for LSC-funded provision for learners

with learning difficulties and/or disabilities across the FE system, *Learning and Living at Work*. Local authorities when planning and commissioning secondary SEN provision should make sure that they work with their local LSC and FE partners. There needs to be effective planning between the partners to ensure coherence of educational transition opportunities.

41. As part of 14-19 partnership arrangements, LAs should consider local curriculum needs in the short and longer term, taking into account the national entitlement and timetable for the introduction of the 14 new Diploma lines. In agreeing a 14-19 local prospectus for the area they should also consider what each school and college in the area can offer young people with SEN and disabilities. Diplomas will be available at levels 1, 2 and 3 and, together with the new foundation learning tier, LAs should offer the full range of provision for all 14-19 year olds.

42. LAs and other proposers should consider the potentially critical impact any proposed age range changes could have on FE providers and planning. Any plans that would impact on FE should be discussed at an early stage through the local 14 – 19 partnership and with the local Learning and Skills Council.

Residential provision

43. LAs should keep under review their general policies for placing in residential schools including the independent and non-maintained sectors. Education staff should work with social care colleagues and consider placement policies that are consistent across the authority. Such policies, where it is relevant, should also be agreed with health colleagues. In all individual cases a multi-agency plan should be put in place to ensure that the all child's needs are met holistically; and the effectiveness and appropriateness of the placement is regularly reviewed. In general Children's Services should, so far as reasonably practicable and consistent with the child's welfare, seek to secure that residential placements are near the child's home.

44. LAs can plan, provide or commission residential specialist provision for particular groups of children as well as making individual placements according to particular circumstances and needs. Some LAs have also developed collaborative arrangements with the independent and non-maintained sector to provide particular specialist expertise to maintained schools in their area. LAs should also consider working together to plan, or commission regional or sub-regional provision to meet identified groups of children with particular needs where numbers do not merit provision in each local area.

School partnerships

45. Schools working in partnership are seen increasingly as one of the most effective ways to raise standards, develop the curriculum, extend provision, including specialist provision, support and outreach for children with

SEN, and link with other services to focus on enabling children to achieve the the Every Child Matters outcomes. A wide range of partnership structures exist from formal federations, where a set number of schools agree to share governance arrangements, to Education Improvement Partnerships.

46. LAs should work with schools to develop partnerships that meet the particular needs of those schools and the local community. They can bring a strategic focus to the development of partnerships and might, in some cases, initiate the conversation with schools to develop partnership working. In particular, LAs should continue to maintain a strategic focus on improving behaviour and tackling persistent absence, providing direction and support for the partnerships that are developing to meet these issues

47. School behaviour partnerships have a key role to play in improving the way in which pupils with SEN-related behavioural difficulties are catered for at a local level. All secondary schools should be working in partnerships to improve behaviour and tackle persistent absence. These arrangements will benefit SEN pupils who require specialist behavioural support; in particular tackling the disproportionate rates of exclusion of SEN and some groups of minority ethnic pupils. School behaviour partnerships need to involve and include special schools and Pupil Referral Units as both have expertise in managing the behaviour of the pupils they provide for. Additionally, advice from special schools and PRUs can, at the right time, help mainstream schools prevent the behaviour of some young children escalating to the point where exclusion is a possibility. For further information and guidance see: <http://webarchive.nationalarchives.gov.uk/20110202105545/http://www.teachernet.gov.uk/wholeschool/behaviour/collaboration/>

Hospital schools

48. Historically hospital schools have been set up as special schools, although more recently education provision within a hospital is more often provided by a PRU. It is a matter for the LA to plan and commission education provision in such a way as seems reasonable and practicable in their particular circumstances. Such provision can only be planned in close collaboration with health colleagues and should aim to meet the special educational needs of children who may receive education there.

49. Hospital schools, although designated special schools and maintained by the LA, are very different from stand alone special schools catering for children with statements of SEN.

50. Hospital schools differ widely; some are in general or district hospitals with a rapid turnover of patients; other are located in specialist hospitals and may serve chronically ill or long-stay patients. The law of education reflects this variability and the special circumstances surrounding hospital education by providing in several areas of legislation more flexible arrangements than those which apply to other maintained special schools.

Building Schools for the Future

51. When planning new building under the Building Schools for the Future (BSF) programme, LAs should also consider the SEN and Disability criteria against which proposals will be assessed. The criteria are:

- The extent to which all learners have access to a broad and balanced curriculum, including the National Curriculum within a learning environment in which they can be healthy and stay safe.
- How the LA improves the accessibility of all educational environments for all learners must be a key feature, especially to ensure compliance with the Disability Discrimination Act to improve access and promote equality of opportunity for disabled children.
- How the LA, in collaboration with its statutory and voluntary partners, collects and uses data to inform current and projected learner needs and plans. Also, how it works with them to make the appropriate provision over a 5-10 year future period – we would expect this planning to be included in the Children and Young People Services Plan.
- To what extent the LA proposals require re-organisation of SEN provision and how has the LA ensured that there is general agreement between local partners on the type of provision envisaged, to ensure good community based provision (with a view to reducing out-county placements) that is:
 - Local including both mainstream and special schools
 - Inclusive – catering for a full range of needs
 - High quality
 - Provides access to services (all support services across all agencies)
 - Operates within an Extended School service
- To what extent LA reorganisation proposals take account of:
 - Co-location
 - Outreach and support
 - Special resourced provision in mainstream
 - Special units in mainstream
 - Out of authority provision
 - Working with other partners, including the FE and voluntary sectors
 - Regional and sub-regional organisation
- Whether the LA has considered the impact of its proposals on school transport policies and provision?
- How the LA will ensure the delivery of its plans and services through such mechanisms as Children’s Services and Children’s Trusts and through its

commissioning role?

52. LAs should take account of any Building Bulletins and accommodation guidance issued by the Department from time to time.

53. LAs should consider whether changes to local special educational provision will boost standards and opportunities for children and young people, whilst matching school place supply as closely as possible to pupils and parents' needs and wishes. However it is also important that there are no blanket assumptions that schools are the only type of SEN provision that is required or appropriate in all circumstances. All proposals should be considered on their individual merits.

REFERENCES

Section of Education & Inspections Act 2006	Regulations
Part 2, sections 7 - 10	The School Organisation (Establishment and Discontinuance of Maintained Schools)(England) Regulations 2007
Part 2, sections 18 – 21	The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007
Consequential	The School Organisation (Transitional Provisions) (England) Regulations 2007
25 -27	The School Organisation (Removal of Foundation and Reduction in Number of Foundation Governors) (England) Regulations 2007
33	The School Organisation (Requirements as to Foundations) (England) Regulations 2007
34	The School Governance (Parent Councils) (England) Regulations 2007
Consequential	The School Governance (New Schools) (England) Regulations 2007
Consequential	The School Governance (Federations) (England) Regulations 2007
Part 9, section 166	The Education (Collaboration Arrangements: Maintained Schools and Further Education Bodies) (England) Regulations 2007
Sch 22	The School Organisation (Ability of Foundation to Pay Debts) (England) Regulations 2007
Consequential	School Governance (Constitution) (England) Regulations 2007"
Consequential	School Governance (Procedures) (Amendment) (England) Regulations 2007
Section 21 (9) of the SSFA	The Education (Foundation Special Schools) (Application of Provisions Relating to Foundations) (England) Regulations 2007

Guidance

School Organisation – Decision Makers Guidance	Maintained School Closures - Guidance for Decision Makers Establishing New Maintained Schools - Guidance for Decision Makers Maintained School Expansions and Adding a Sixth Form - Guidance for Decision Makers Making Changes to maintained Schools - Guidance for Decision Makers
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