

OFFICER DECISION RECORD FORM

Directorate

People Services Directorate

Director Of Children's Services: Peter Tolley

Portfolio Holder: Councillor Hitesh Karia

Subject matter

Agree to Determine the notices to establish MLD ARMS provision at Pinner Wood Primary School and Stanburn Primary School and Grange Primary School

Date of relevant Council/Cabinet meeting (where delegations were agreed)

17 November 2022

Delegations:

At the meeting in November 2022, cabinet agreed the following recommendations:

1. Agree to publish statutory notices to establish the Additional Resourced Mainstream School (ARMS) provision at Pinner Wood, Stanburn and Grange primary schools, and expansion at Shaftesbury High School in accordance with the School Expansion Programme.
2. Delegate authority to the Director of Children's Services, following consultation with the Portfolio Holder for Children's Services to determine the Statutory Notices.

Section 1 – Summary and Recommendations

This report sets out a proposal to establish three Additional Resourced Mainstream School provision at the schools listed below to create a permanent, additionally resourced provision for 12 pupils with moderate learning difficulties and/or autism.

Recommendations:

The Director of Children's Services in consultation with the Portfolio Holder is requested to:

Agree to determine to create a permanent additionally resourced provision for 12 pupils with moderate learning difficulties and/or autism at the each of the schools listed:

- Pinner Wood Primary School
- Stanburn Primary School

- Grange Primary School

Reason: (For recommendation)

To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its area.

Section 2 – Report

Introduction

1. This report sets out the proposal to establish permanent special educational need provisions at three primary schools. The opening of the provisions will be phased with plans to establish the provisions to open in the Autumn term 2023.
2. Harrow Council has already established 14 additional resourced provisions across Harrow. These additional three provisions support the Council's SEND strategy, in particular the 'Whole System shift'.
3. The evidence provided following informal consultations with schools and their community demonstrates that the schools and the parents are supportive of the proposals. The proposals are in accordance with the Strategic Priority 1 in the SEND Strategy to increase SEN provision in Harrow to meet the growing need.

Options considered

4. The November 2022 Cabinet report provided an update on the implementation of school organisation strategy and highlighted the emerging place planning issues for pupils with Special Educational Needs and the need for additional provision.
5. To implement the school organisation strategy and SEND strategy a school capital programme is required to provide sufficient and appropriate accommodation. To achieve the outcomes required the following options were considered:

Option 1: Do Nothing – this would not a viable option as we need to increase the number of places to meet the demand. If we do nothing this will increase the pressures on the High Needs Block (HNB). To achieve the growing demand a school capital programme is required.

Option 2: To implement the schools capital programme to provide suitable and sufficient accommodation and help meet the increasing demand on specialist places.

Background

6. Harrow's SEND Strategy 2019-2024 outlines the current context for SEND nationally and locally, sets out the guiding principles and four strategic priorities.
7. In line with the key priority, to reduce out borough placements, Harrow is progressing 2 main strands of development:
 - A 'Whole System Shift' model
 - Further expansion of the additional resourced mainstream school (ARMS) provision
8. A 'Whole System Shift' is a strategic and cultural approach across all Harrow's special and mainstream schools to develop the education provision on offer in Harrow as a continuum of provision so the finite numbers of special school places are prioritised for children and young people (CYP) with the greatest complexity of need.
9. The Local Authority has carried out projection modelling for pupil planning purposes to identify requirements for SEND provision and the most cost-effective provision model.
10. The LA is working collaboratively with the four special schools in Harrow, two of which are designated MLD, to explore and progress how best SLD provision can be expanded across a 'Whole System Shift' model and subsequently how MLD provision can be expanded and developed within mainstream schools. The engagement and commitment of the MLDs schools and mainstream schools to develop ARMS provision, to the 'Whole System Shift' model is critical to the LA's SEND Strategy and key priority to increase the number of SLD places. To further support the System Shift, it is necessary that the range of special educational need met in the two MLD schools widens, to include more pupils with complex needs.
11. This approach will help reduce the pressures on the High Needs Block (HNB) created by expensive out of borough placements thus enabling spend to benefit the development of Harrow's school provision for Harrow pupils. In addition, this approach will secure diversity in the provision of schools and increase choice for parental preference.
12. Three primary schools are working with the Local Authority to create additional ARMS provision.
 1. Grange Primary School
 2. Pinner Wood School
 3. Stanburn Primary School
13. All places in these provisions will be above the existing school's planned admission numbers (PAN) and will be opened in a phased manner over the next year, starting in September 2023.

14. For each of these schemes, informal consultation was undertaken between 24 January 2022 to 11 February 2022 as part of the process to develop proposals and complete the statutory process to increase SEND provision in accordance with the SEND Strategy. Following the outcome a decision was taken to Publish Statutory Proposals for three schemes.
15. These additional ARMS places will create capacity in the special schools for pupils with more complex needs.
16. The Local Authority has a statutory responsibility to provide sufficient school places for its area and to make changes to schools. To fulfil this duty, it is able to propose changes to schools through the publication and determination of statutory notices.
17. In exercising these duties Harrow Council has considered whether to make any changes and in this instance is proposing to establish three new special educational provisions at three primary school for pupils with moderate learning difficulties and/or autism.

Consultation arrangements

18. A consultation was undertaken with parents and stakeholders at the three schools from 24 January 2022 to 11 February 2022 on the proposals. Overall, 48 responses were received across the three schools. Overall, the majority (42) of respondents either strongly agreed (28) or agreed (14) with the proposals. 4 respondents disagreed and 2 strongly disagreed with the proposals.
19. Statutory Public Notices were published for 4 weeks from Thursday 2nd March until noon on Friday 31st March, in accordance with legislative requirements and DfE Guidance on making prescribed changes to schools. This allowed local residents to make further comments on the proposals and other members of the school community.
20. No further comments were received.

Next Steps

21. The Council now has 2 months to make a decision about the proposals. The options are to:
 - reject the proposal;
 - approve the proposal without modification;
 - approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
 - approve the proposal, with or without modification – subject to certain
 - conditions (such as the granting of planning permission) being met.

22. Based on the need for additional SEND provision and to meet the statutory duty to ensure the LA has sufficient school places, Officers recommend that the proposal is approved without modification.

Performance Issues

23. Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. As at 31st December 2021, 93% of Harrow's primary and secondary schools are judged 'good' (49%) or 'outstanding' (44%), in line with 93% in London (49% Good, 44% Outstanding) and above 87% nationally (68% Good, 19% Outstanding) (Source: Ofsted Data View).
24. The Education Act 2011 maintains a focus on driving up standards in schools and emphasises the responsibility with the schools directly for their improvement.
25. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and Local Authority level. They are also used as part of the information provided to the Department for Education.
26. There is a complex relationship between a number of other performance issues such as traffic congestion, road safety, traffic and parking enforcement and travel plan performance, and all these considerations are taken into account in assessing school expansion proposals.

Environmental Impact

27. Harrow Council passed a motion to declare a climate emergency on 18 July 2019, with the aim to make Harrow a carbon neutral organisation by 2030. This is a very challenging ambition and Harrow Schools are expected to adopt a more proactive approach to minimise their energy wastage and carbon footprint in line with the borough and central government's carbon reduction targets and objectives. The heating and power requirements of the borough's maintained schools are a significant part of the overall carbon footprint that is attributable to the Council's estate. Reducing emissions from schools is therefore a vital component in meeting the Council's target.
28. In expanding existing schools, consideration should be given to delivering building works in a way that minimises the greenhouse gas emissions associated with the project, including in the selection of materials. Of particular importance will be the use of low carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase. Council run procurement processes will also be required to actively test prospective suppliers on their ability to deliver greenhouse gas emissions reductions, in accordance with the Council's Low Carbon Procurement Policy adopted by cabinet in March 2022.

29. For many of the projects in the school expansion programme, planning applications are required, and part of the application is a school travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Data Protection Implications

30. There are no data protection implications arising from this report.

Risk Management Implications

31. Risk included on Directorate risk register? Yes
Separate risk register in place? Yes
32. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers.
33. The highest priority risk for this programme is financial in respect of the programme or individual projects being unaffordable and thereby incurring additional costs to the Council. Controls are in place to ensure that funding for schemes is agreed by Capital Forum and programmes are delivered according to time and cost plans.

Procurement Implications

34. The delivery of the capital programmes for the ARMs units will require the selection of suitably qualified and experienced contractors to deliver the various projects that fall under the programme.
35. The procurement strategy for undertaking competitive procurement exercises will be developed by a multi-disciplinary team of experts within the Council who will be supported by the procurement and legal teams respectively. Officers will engage and consult the respective portfolio holders in the design of the procurement during the pre-procurement phase to ensure they have maximum opportunity to input into the scope of the procurement and the procurement process.
36. The procurement will be undertaken consistent with the Public Contract Regulations 2015 and the Council's own Contract Procedure Rules

Legal Implications

37. The School Standards and Framework Act 1998 places duties on local authorities as admission authorities to determine their admission arrangements. It also places responsibilities on local authorities to coordinate admission arrangements and allow parents to express a preference for a particular school. Local authorities and schools are expected to comply with the statutory school admissions code, which amongst other matters, requires the local authority to agree a fair access protocol with the majority of schools in its area.

38. There is a statutory process for making changes to schools which has been followed. This process includes a consultation and the publication of proposals with a formal representation period. The statutory requirements contained in the Education and Inspections Act 2006 and associated regulations have been followed.
39. The decision maker must take account of all consultation responses when deciding whether to determine statutory proposals. When considering consultation responses, the Council must take into account the number of responses, including the number for and against the proposals as well as the detailed comments, where relevant to the proposal. However, this does not require the Council to go with the majority view, the Council should take account of all relevant information, including financial information, consultation responses, equality implications and demand for school places and decide what is the appropriate policy decision based on this.
40. When making public law decisions, the Council must take account of all relevant information, including consultation responses, equality implications, crime and disorder concerns, financial implications and its statutory duty to provide school places.
41. The statutory guidance on making prescribed changes to schools confirms matters which should be taken into account by local authorities when determining proposals, it includes the need to deliver excellence and equity in school place planning, the need to include parents in decisions around provision of schools, the need to maintain and increase local standards of education, diversity of provision, options for extended services, journey times and travel options for pupils attending the school and that land, premises and capital are in place to implement the proposals.

Financial Implications

42. Capital works associated with the increased provision will be funded from the High Needs Provision Capital Allocation grant provided by the DfE to ensure there are sufficient good school places for those with SEND. LAs can use the funding to improve and expand special provision for children with EHCPs. The total funding available is £5.433m. This is allocated as shown in the table below. The costings for Pinner Wood, Grange, Shaftesbury and Stanburn are prior to procurement of a contractor.
43. These schemes were agreed by the Council's Capital Programme by Cabinet in February 2021. Funds have been released to the schemes by the Capital Forum.

Scheme	Estimate Cost £'000	Balance £'000
		£5,433
Woodlands	£444	
Pinner Wood ARMS	£389	
Shaftesbury High	£710	
Stanburn ARMS	£1,800	
Grange ARMS	£540	

Kingsley at Weald Rise	£490	
Canons High School	£431	
Alexandra Primary School	tbc	
Total	£4,803	
Uncommitted		£630

44. There is also a further allocation of grant funding from the High Needs Provision Capital fund of £1.749m in 2022-23 and £4.147m in 2023-24 which is addition to the funding identified in the table above. This has been added to the capital programme in 2023-24.
45. There is sufficient funding for the schools subject to the statutory proposals in this report.

Equalities implications / Public Sector Equality Duty

46. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
47. Harrow's schools are successful, inclusive and provide a diversity of provision. The school expansion programme will ensure sufficient school places for the increasing numbers of children in Harrow and will build on the successful provision that already exists in Harrow's schools. By acting to ensure all children in Harrow have access to a high-quality school place, Harrow is promoting equality of opportunity for all children and young people.
48. Equalities impact assessment has been carried out and there are no negative impacts arising from these proposals.

Council Priorities

The decisions in this report contribute to the Council priorities:

- **A council that puts residents first**
Providing high quality local mainstream and special educational need provision schools for children increases parental preference and the needs of the residents first. Giving children and young people are given the opportunities to have the best start in life and families can thrive.
- **A borough that is clean and safe**
Providing high quality local mainstream and special educational need provision schools for children close to where they live avoiding the need for excessive car journeys.
- **A place where those in need are supported**

Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area. Everyone has access to high quality education to achieve their potential and employment prospects.

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Director of Children's Services

Peter Tolley

* I do agree to the decision proposed

** Please delete as appropriate*

Signature:Peter Tolley.....

Date:17 May 2023.....

For Portfolio Holder for Children's Services

Councillor Hitesh Karia:

* I do agree to the decision proposed

** Please delete as appropriate*

Signature:Hitesh Karia.....

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