

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**24 APRIL 2012**

**Report of the Strategic Director for Children & Younger Adults**

**Creation of an Enhanced Resource Facility for Pupils with Autism at  
Tibshelf Community School – A Specialist Sports College –  
(Education)**

1. **Purpose of Report** To provide a report to Cabinet on the outcome of the initial consultation, and to consider whether or not to proceed to the publication of Statutory Notices to create an Enhanced Resource School (ERS) provision at Tibshelf Community School – A Specialist Sports College.
2. **Information and Analysis**

**2.1 Consultation Process**

The Local Authority initiated a consultation on provision of an ERS facility for pupils with Autistic Spectrum Disorder at Pilsley Primary School, and in response to this the Senior Leadership Team of Tibshelf Community School (to which pupils of Pilsley Primary School progress, subject to usual admissions criteria) indicated that an ERS provision for pupils with Autistic Spectrum Disorder would be welcome and appropriate as part of their new building development.

Officers of the Authority discussed this further with staff and governors and assessed the proposal against the recommendations of the Special Needs Review of 2006. At its meeting on 22 November 2011, Cabinet agreed to an initial consultation on the proposal to create an Enhanced Resource School provision for up to 15 pupils aged 11 -16 years at Tibshelf Community School.

**2.2 Responses Received**

**2.2.1** Four written responses were received and all expressed

unequivocal support for the proposal, raising some questions about the process and operation of the provision.

- 2.2.2** Meetings were held with staff, with the governors of the school, and with parents and the community on 25 January 2012. Governors, parents and staff expressed their support for the proposal, but raised some issues for discussion and clarification.

## **2.3 Issues Raised**

### **2.3.1 Detailed Design Specifications**

Two detailed written responses and a question during the consultation meeting were addressed to the detailed design of the provision. Staff and parents were keen to see that consideration was given to the quality of the environment as well as the inclusion of a space within the building.

#### **Response**

The detailed information on design considerations has been passed on to the appropriate officer of the Authority, and the input and attention to detail was welcomed. There is an architect and design team working on the project, liaising with specialist staff and taking opportunities to visit establishments to review good practice.

### **2.3.2 Criteria and Demand for Places**

At the consultation meeting, the question was posed as to whether this provision was for pupils of Pilsley Primary School only. The meeting discussed the criteria to be applied for places in more general terms, and the question posed as to what action would be taken if there were more pupils than the fifteen spaces could accommodate.

#### **Response**

Officers are clear that this provision is available to benefit pupils within the Autistic Spectrum who will benefit and progress to integration within a mainstream school; this is not just for those attending Pilsley Primary School but each case will be considered on its merits. The Local Authority will work closely with the school and monitor demand for places.

### **2.3.3 Staffing**

Concerns about staffing centred on the level of specialism amongst the Teaching Assistants, the organisation of teaching assistants within the school ERS provision, and the support available for all staff within Tibshelf Community

School.

**Response**

The Local Authority will work with the school in the appointment of specialist teaching staff who will provide training and support to the teaching assistants to develop their skills in working with the pupils. This training will be extended to all staff within Tibshelf Community School. The organisation of the Teaching Assistants is a management issue for the school, but usually the allocation of time and staff support is based on a pupil's individual needs.

**2.3.4 Funding**

Parents were concerned as to the security of the funding to sustain such a provision in the longer term.

**Response**

The Local Authority has identified a long term need for ERS provision in mainstream schools, and an allocation of funds has been committed to provide those places.

**2.3.5 Provision of a Sensory Room and Garden Facility**

The provision of a sensory room and sensory garden is often helpful to individual pupils, and parents asked whether this was part of the design being put together for the new school building.

**Response**

The Head Teacher indicated that he was seeking to include this within the agreed plans for the new school.

**3. Financial Considerations**

On 22 November 2011 Cabinet approved a commitment of £400,000 from the 2011/12 CAYA Capital Programme to incorporate the ERS provision in the new building, subject to the outcome of the statutory consultation, and, if the Authority proceeds to publish statutory notices, the outcome of any decision made following the representation period. The ERS provision would become available at the completion of the new school building.

The revenue expenditure costs for running a secondary enhanced resource school facility for pupils with autism would be met by a formula allocation to the school, as part of its delegated budget, subject to additional funding of £214,194 being found within the Dedicated Schools Grant (DSG).

#### **4. Human Resources Considerations**

The main H.R. considerations will relate to the appointment of new staff, to provide the additional specialist support for pupils placed at the enhanced resource school facility. The school's Governing Body will be responsible for recommending such appointments, in conjunction with Local Authority advisory and support staff within the Children and Younger Adults Department. National Health Service and voluntary agency colleagues will be invited to assist with this process.

#### **5. Legal & Human Rights Considerations**

Derbyshire County Council has a statutory duty to make suitable provision for children and young people in its area who have special educational needs, up to the age of 19.

The introduction of a Key Stage 3-4 ERS facility at an existing community secondary school is a prescribed alteration within Section 19 Education and Inspections Act 2006, Regulation 5 and paragraph 5(a) Part 1 Schedule 4 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. In brief, a statutory procedure must be followed. Consultation must be undertaken with all interested parties (including parents, staff, pupils, governors, neighbouring health and education providers, local MPs, trade unions, local district or parish councils, private education providers) prior to Cabinet considering whether to publish statutory notices. In carrying out such consultation, the Council must have regard to the Secretary of State's guidance.

The DfE guidance to Decision Makers on Making Changes to a Maintained School (Other than Expansion) says that Local Authorities should take into account a number of initial considerations when reviewing special educational needs (SEN) provision. The full guidance is published on [www.dfe.gov.uk/schoolorg](http://www.dfe.gov.uk/schoolorg). Local Authorities making proposals for new provision must have regard to the "SEN Improvement Test", and be able to demonstrate how the proposed alternative arrangements are likely to lead to improvement in the standard, quality or range of educational provision for children with SEN. The Local Authority is required to show, in all consultation documents and reorganisation plans, how certain key factors, specified in the guidance, have been taken into account.

Under the revised statutory procedures introduced by the Education and Inspections Act 2006 if, following consultation, the Authority decides to publish statutory notices, there would be a six week representation period when formal objections and comments could be made. Cabinet

would be empowered to make a final decision on the proposals within 2 months from the end of the representation period. Should the Authority approve the proposals, the Church of England Diocesan Board, or the Bishop of the Roman Catholic diocese could, within 4 weeks, ask for the proposals to be referred to the schools adjudicator. The Authority would be under a duty to implement any proposals it determined, which were not referred to the adjudicator, in the form in which they had been approved.

6. **Other Considerations** In preparing this report the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity, environmental, health and transport considerations.
7. **Background Papers** A file is available within the Development Section, and the responses received are available at the Cabinet meeting.
8. **Strategic Director for Children and Younger Adults' Recommendations**
  - 8.1 To consider the issues raised in the initial consultation together with the responses set out in this report;
  - 8.2 To approve the publication of a Statutory Notice in respect of the creation of enhanced resource provision for up to 15 pupils at Tibshelf Community School – A Specialist Sports College.

**Ian Thomas, Strategic Director for Children & Younger Adults**