

Report of Director of Children's Services

Report to Executive Board

Date: 18 December 2013



Subject: Improving outcomes for children with behaviour, emotional and social difficulties (BESD) - Outcome of Statutory Notice on proposals for the expansion of behaviour, emotional and social difficulties (BESD) provision from January 2014

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Hyde Park and Woodhouse, Guiseley and Rawdon, Yeadon and Otley, Middleton Park, Temple Newsam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- In September 2013 Executive Board considered the outcome of public consultation on the linked proposals to:
 - raise the age range of Elmete Wood – BESD SILC (Behaviour, Emotional, Social Difficulties Specialist Inclusive Learning Centre), Elmete Lane, Leeds, West Yorkshire, LS8 2LJ from 5 to 11 to 11 to 16 and to expand the capacity of the provision from 150 to 200 places with the expansion of the school's remit to allow it to offer learning to children without a statement, in the manner of a PRU, with effect from January 2014. The school will operate from additional sites at:
 - Stonegate Road Centre, Stonegate Road, Stonegate Road, Leeds, LS6 4QJ
 - The Burley Park Centre, Cardigan Lane, Leeds, LS4 2LE
 - The Hunslet Gate Centre, Sussex Gardens, Leeds, LS10 2LA, and
 - The Tinshill Centre, Woodnook Drive, Tinshill, LS16 6NE, and;
 - expand the capacity of the West Oaks SEN Specialist School and College – Oakwood Lane site BESD (Behaviour, Emotional, Social Difficulties) provision, Oakwood Lane, Leeds, West Yorkshire, LS8 3L from a capacity of 30 pupils aged 4 to 11 to 40 pupils aged 4 to 11 with the expansion of the school's remit to allow it to offer learning to children without a statement, in the manner of a PRU, with effect

from January 2014. No new or additional site is required for these changes. The school will make use of its existing premises.

2. At its meeting in September 2013, Executive Board gave permission to publish a statutory notice detailing these linked proposals.
3. The proposals were brought forward as a key step in creating a Leeds Behaviour Alliance that will bring together the expertise in the city's specialist (Behaviour, Emotional, and Social Difficulties SILCs), targeted (Pupil Referral Units), locality (Area Inclusion Partnerships), and universal (School) provisions. The proposals are also a response to the Council's statutory duty to provide sufficient places for children with a statement naming behaviour, emotional or social difficulties as the primary special educational need, given the growing population of children and young people with those needs.
4. For the first time in Leeds the key building blocks for a flexible, integrated and city-wide behaviour offer are in place. All but one component of this offer are 'Good' or 'Outstanding' and the remaining component is improving towards 'Good'.
5. All partners, including the DfE, believe that the Leeds Behaviour Alliance is most likely to succeed in addressing the specific weaknesses at Elmete Wood, and securing the best, integrated and flexible, provision for children with behaviour needs in Leeds.
6. These proposals will not see children with SEN statements, and complex or multiple needs who benefit from generic SILC provision, being placed in a provision alongside children with a behaviour need.
7. They also support the vision for Leeds to be a Child Friendly City and will impact on the priorities of the Children & Young People Plan by providing children with BESD with the opportunity to benefit from an outstanding learning offer and progress into education, employment or training. In this way the proposals support Leeds' Best City aspirations.
8. The statutory notice was published on Friday 20 September. A final decision must be made within 2 months of the expiry of the notice, therefore by 31 December 2013. There were no responses to the notices, and therefore, this report seeks a final decision from Executive Board on the proposals.

Recommendations

Executive Board is asked to:

a) approve the linked proposals to:

- raise the age range of Elmete Wood – BESD SILC (Behaviour, Emotional, Social Difficulties Specialist Learning Centre), Elmete Lane, Leeds, West Yorkshire, LS8 2LJ from 5 to 11 to 11 to 16 and to expand the capacity of the provision from 150 to 200 places with the expansion of the school's remit to allow it to offer learning to children without a statement, in the manner of a PRU, with effect from January 2014. The school will operate from additional sites at: • Stonegate Road Centre, Stonegate Road, Stonegate Road, Leeds, LS6 4QJ •

The Burley Park Centre, Cardigan Lane, Leeds, LS4 2LE • The Hunslet Gate Centre, Sussex Gardens, Leeds, LS10 2LA, and • The Tinshill Centre, Woodnook Drive, Tinshill, LS16 6NE, and

- expand the capacity of the West Oaks SEN Specialist School and College – Oakwood Lane site BESD (Behaviour, Emotional, Social Difficulties) provision, Oakwood Lane, Leeds, West Yorkshire, LS8 3L from a capacity of 30 pupils aged 4 to 11 to 40 pupils aged 4 to 11 with the expansion of the school's remit to allow it to offer learning to children without a statement, in the manner of a PRU, with effect from January 2014. No new or additional site is required for these changes. The school will make use of its existing premises.

b) note the implementation date is 1st January 2014 and that the responsible officer is the Head of the Virtual College.

1. Purpose of this report

- 1.1. This report contains details of proposals brought forward to meet the local authority's duty to ensure sufficiency of school places for children with a statement of special educational needs which names behaviour, emotional and social difficulties (BESD) as the principle need.
- 1.2. It describes the outcome of statutory notices in relation to the expansion of BESD provision for primary and secondary age pupils across the city for January 2014, and seeks a final decision on these proposals.

2. Background information

- 2.1. In September 2013 Executive Board considered the outcome of the public consultation on the linked proposals to create additional behaviour, emotional and social difficulties (BESD) places for January 2014 and gave permission to publish a statutory notice.
- 2.2. The proposed expansion of the number of BESD places would enable the city to meet its statutory obligations to provide appropriate places for statement children whose principle need is BESD. The proposals will also enable the expertise present in the city's three good Pupil Referral Units, to be integrated into a single, city-wide BESD offer made by the BESD SILCs. This will enable swift and easy access to an appropriate level of support that matches the child's need and access to flexible and personalised programmes of learning.
- 2.3. These proposals will not see children with SEN statements, and complex or multiple needs who benefit from generic SILC provision, being placed in a provision alongside children with a behaviour need.
- 2.4. These proposals were brought forward as part of a range of measures to ensure the authority meets its statutory duty to ensure sufficiency of school places. Under the Education and Inspections Act 2006 the proposals described constitute prescribed alterations requiring a statutory process.

3. Main issues

Outcome of Statutory Notice on proposals for the expansion of primary provision in 2014

- 3.1. The statutory notice is the final step of the statutory process. The notice was published on Friday 20 September 2013 and all notices expired on Friday 31 October 2013. A final decision must be made within 2 months of the expiry of the notices, i.e. by 31 December 2013. There were no responses to the notices, and this report seeks a final decision on the proposals.
- 3.2. The public consultation ran from 25 February 2013 to 12 April 2013. The report to the September 2013 meeting of the Executive Board considered the responses received and approved the publication of the statutory notices.
- 3.3. Responses received during the public consultation focussed on the impact of the proposals on children now and in the future; the sizes of the expanded BESD SILCs; the organisation of the provisions, access to them and re-inclusion from them into mainstream provisions; staff related issues; the integration of the 'alternative provision' functions of the PRUs into the BESD SILC's remit; and transport to and from the provisions.
- 3.4. The previous report to Executive Board articulated how these concerns were addressed and there was confidence that the issues raised could be addressed and therefore approval to publish a statutory notice was given.
- 3.5. There have been no further representations received in response to the statutory notice.

4. Corporate Considerations

4.1. Consultation and Engagement

- 4.1.1. The consultation has been managed in accordance with all relevant legislation and local practice. The proposals were advertised widely. The statutory notices described were published in the newspaper, notices placed on the school gates as well as being advertised in the community. Information was also placed on the Leeds City Council website. Ward members in all wards city wide were formally consulted at the public consultation stage.

4.2. Equality and Diversity / Cohesion and Integration

- 4.2.1. Screening forms for the linked proposals have previously been completed and published as part of a report to the Executive Board in September 2013, therefore, they are not attached to this report.

4.3. Council policies and City Priorities

- 4.3.1. The proposals are being brought forward to meet the Council's statutory duty to ensure there are sufficient school places for children with a statement of special educational needs which names behaviour, emotional or social difficulties (BESD) as the principle need.

4.3.2. The proposal contributes to the city's aspiration to be the Best Council and the Best City in which to grow up; a Child Friendly City, through the creation of provisions that offers children in Leeds the opportunity to benefit from outstanding, integrated provision, which best meets their behaviour needs. That, in turn, will increase attendance, attainment and progression to education, employment and training among some of the city's most vulnerable children, as desired by the Children & Young People's Plan.

4.4. Resources and value for money

4.4.1. These proposals utilise sites already meeting a similar range of needs as that envisaged for the re-modelled BESD provision. Therefore there is no plan for the wholesale, and expensive, reconfiguration of the buildings at Oakwood Lane, Elmete Wood, Stonegate Road, Burley Park, Hunslet Gate or Tinshill. The proposal therefore requires no capital investment in the sites.

4.5. Legal Implications, Access to Information and Call In

4.5.1. The changes described constitute prescribed changes under the Education and Inspections Act 2006. The consultations have been managed in accordance with that legislation and with local practice.

4.5.2. This report is not subject to call due the critical nature of the date by which an Executive Board decision must be confirmed. Executive Board must confirm its decision within two months of the end of the statutory notice period. The statutory notice period ended on 31 October so the final date by which Executive Board must confirm a decision is 31 December 2013. The call in period for the December 18 Executive Board meeting extends beyond 31 December, into January.

4.5.3. Were the critical date of 31 December 2013 to be missed then the statutory process which began in February 2013 would lapse and would need to begin again. That would delay the start date for implementation of the recommendations of this report from 1 January 2014 into late Autumn 2014. During that 10-12 month period the provision for this vulnerable group of children would be significantly damaged, rather than improved, as proposed (see 7.6.3).

4.6. Risk Management

4.6.1. These proposals involve no planned off-site work, or disruption of the locality, as no large scale building or access works are planned for the sites.

4.6.2. The principal risk is in relation of the transitional arrangements and potential impact on the progress of children currently on roll at the SILCs or in provision at the PRUs. Following final approval by Executive Board, individual transition plans will be prepared for each pupil to ensure minimum impact on their individual learning. For this reason implementation from 1 January 2014 will be phased to match children's needs, not an externally imposed timetable.

4.6.3. There is a statutory time limit for a final decision on these proposals of 31 December 2013. The proposal has been brought forward in time to allow places in the integrated BESD offer to be delivered in 2014. A decision not to proceed at this

stage would mean fresh consultation on new proposals, and would mean places could not be delivered in time. The authority's ability to meet its statutory duty for sufficiency of school places during, and beyond, the period of delay would then be at risk.

5. Conclusions

5.1. There were no objections to the proposal during the public consultation and none following the publication of the statutory notices. The proposals are widely supported as a means to address the long standing gap in provision for children with this range of needs.

6. Recommendations

Executive Board is asked to:

a) approve the linked proposals to:

- raise the age range of Elmete Wood – BESD SILC (Behaviour, Emotional, Social Difficulties Specialist Inclusive Learning Centre), Elmete Lane, Leeds, West Yorkshire, LS8 2LJ from 5 to 11 to 11 to 16 and to expand the capacity of the provision from 150 to 200 places with the expansion of the school's remit to allow it to offer learning to children without a statement, in the manner of a PRU, with effect from January 2014. The school will operate from additional sites at: • Stonegate Road Centre, Stonegate Road, Stonegate Road, Leeds, LS6 4QJ • The Burley Park Centre, Cardigan Lane, Leeds, LS4 2LE • The Hunslet Gate Centre, Sussex Gardens, Leeds, LS10 2LA, and • The Tinshill Centre, Woodnook Drive, Tinshill, LS16 6NE, and
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b) note the implementation date is 1st January 2014 and that the responsible officer is the Head of the Virtual College.

Background documents¹

1.1 There are no background papers to this report.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.