

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Education, Skills and Culture Cabinet Board

18th December 2019

REPORT OF HEAD OF TRANSFORMATION ANDREW THOMAS

MATTER FOR DECISION

WARDS AFFECTED: All

STRATEGIC SCHOOL IMPROVEMENT PROGRAMME - PROPOSAL TO ESTABLISH SPECIALIST PROVISION FOR SECONDARY AGE PUPILS WITH AUTISTIC SPECTRUM DISORDER (ASD)

Purpose of report

1. To obtain approval to publish a proposal to establish a specialist provision for secondary age pupils with autistic spectrum disorder (ASD) at Dwr y Felin Comprehensive School.
2. Publication of the proposal provides a 28 day period for the submission of objections. Following the period for submitting objections, Education, Skills and Culture Cabinet Board members will need to meet to consider objections received before taking a decision as to whether or not the proposal should be implemented.

Executive summary

3. The Council is responsible for ensuring suitable provision is made for pupils with special educational needs.
4. Recent work on reviewing the number and type of planned places and assessment provision across Neath Port Talbot has indicated that there is a need for extra places in the areas of ASD and Social Emotional and Behavioural Difficulties (SEBD), and for those early

years pupils with identified additional learning needs which require further assessment.

5. The Education, Skills and Culture Cabinet Board at its meeting of 12th September 2019 approved consultation on a proposal to establish a specialist provision for secondary age pupils with autistic spectrum disorder (ASD) at Dwr y Felin Comprehensive School.
6. The outcome of consultation informs this report, which needs to be read in conjunction with the consultation report (appendix A), the consultation document and the Education Skills and Culture Cabinet Board report of 12th September 2019.
7. The proposal seeks to complement the specialist provision and support already available within the County Borough.

Background

8. The Council is responsible for promoting high educational standards and for delivering efficient primary and secondary education. Having the right schools in the right place and ensuring that they are fit for the 21st century learner is the challenge facing the Council. Achieving this will involve reviewing the number and type of schools the Council has in its area and assessing whether or not best use is being made of resources and facilities. This will include ensuring suitable provision for those pupils with special educational needs/additional learning needs.
9. Implementing the Strategic School Improvement Programme (SSIP) involves reviewing existing provision and determining the number and type of schools needed to deliver education effectively and efficiently across the County Borough. It will most likely lead to substantial change involving opening new schools, closing existing schools, merging or amalgamating schools, federating schools and promoting new initiatives that support collaborative working between schools. It will also involve re-organising education provision to ensure pupils gain access to and benefit from the specialist support, skills and expertise available within the County Borough.
10. The Council has decided to review its provision on the basis of:
 - educational standards

- the need for places and the accessibility of schools
 - the quality and suitability of school accommodation
 - effective financial management
11. The Council provides for the pupils of Neath Port Talbot who require specialist support for their educational needs at two community special schools and at learning support/ inclusion centres attached to community primary/secondary schools.
 12. Currently there are 8 specialist provisions available in Neath Port Talbot mainstream secondary schools for supporting secondary age pupils with additional learning needs (ALN) including those for pupils with Autistic Spectrum Disorder (ASD), Visual Impairment (VI), Hearing Impairment (HI), Specific Learning Difficulties (SPLD), Moderate Learning Difficulties (MLD), Speech Language and Communication Difficulties (SLCD), Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD).
 13. Recent work on reviewing the number and type of planned places and assessment provision across Neath Port Talbot has indicated that there is a need for extra places in the areas of ASD and SEBD, and for those early years pupils with identified additional learning needs which require further assessment.
 14. This proposal seeks to address identified need for further provision for pupils with ASD, specifically for secondary aged pupils, with the aim of ensuring best possible outcomes for pupils.
 15. Currently for primary age pupils with ASD who need specialist support or assessment, provision is made at Gnoll Primary (18 places), Maesmarchog Primary (18 places) and Waunceirch Primary (17 places). Secondary provision is available at Cwmtawe Community School (13 places), Ysgol Bae Baglan (29 places) and Ysgol Hendrefelin (16 places). The high demand at both primary and secondary level is placing pressure on current provisions which are consistently full.

The Proposal

16. It is proposed to establish a specialist provision for secondary age pupils with ASD at Dwr y Felin Comprehensive School. The facility will provide learning support for pupils with ASD for up to 16 pupils who are in receipt of a Statement of SEN.

17. The provision will be managed by the school and be under the school's governance. However, it will be a provision recognised by the Council as reserved for pupils with ALN and pupils admitted to the provision would be in addition to the admission number of the school. Admission to the provision would be via a special admission panel of the Council and specific entry and exit criteria would apply.
18. Pupils at the proposed provision will benefit from being taught by specialist staff, experienced in working with pupils with ASD needs. There is also the possibility that mainstream pupils with ASD could also benefit from the expertise available.
19. The provision will alleviate the current pressure to address demand for places for pupils with more complex needs, avoiding potential costly out of county placements and allowing opportunities for children to access learning within their local community.
20. The proposal seeks to complement the specialist provision and support already available within the County Borough.

Consultation

21. This school organisation proposal is being brought forward under the Council's Strategic School Improvement Programme. Formal consultation is required in line with the Welsh Government's School Organisation Code, November 2018, which specifies the procedures to be followed, including the content of the consultation document and those to be consulted.
22. Consultation on this proposal commenced on September 23rd 2019 with comments invited until November 5th 2019. Consultees specified in the School Organisation Code were emailed the consultation document, and in line with current practice Dwr Y Felin Comprehensive School managed distribution of the document to parents, pupils and staff.
23. Information sharing meetings were held with parents, staff, Governors and pupils. Officers also consulted directly with pupils.
24. Pupil views were gathered in line with the guidance issued by Welsh Government on consultation with children and young people, taking

into account the United Nations Convention on the Rights of the Child (UNCRC), in particular Article 12: 'Your right to say what you think should happen and be listened to', and Article 13: 'Your right to have information'.

25. 17 written responses were received all of which expressed support for the proposal.
26. The written consultation responses are available for Member perusal in the Members' room at Port Talbot Civic Centre.
27. It is the opinion of officers that, given the level of support from the school for the proposal, there are no issues arising from the consultation suggesting that the provision should be reconsidered. Specialist provision for secondary age pupils with ASD at Dwr y Felin Comprehensive School should be established, taking effect on 20th April 2020.

Estyn response

28. It is Estyn's opinion that the proposal is likely to at least maintain the current standard of education. Fuller commentary is set out in the consultation report (appendix A).

Impact on pupils

29. The proposed new provision will increase the opportunity for secondary pupils to access support in a specialist setting, based within the environment of a mainstream secondary school. The provision will enable pupils to acquire the skills and understanding to manage their individual behaviours and learning requirements.
30. The proposed specialist provision will be accessible to secondary age pupils from across the County Borough.

Impact on travel arrangements

31. Pupils' travel needs will be assessed in line with the Council's Home to School Transport policy. Secondary age pupils living 3 miles or more from the provision will be considered for assistance with travel costs.
32. Under the School Travel Plan requirements, all schools, together with the Council's Road Safety Team, are committed to:

- improving road safety within the local community
 - raising awareness about travel issues
 - encouraging walking, cycling and public transport for the school journey where applicable
 - encouraging independent travel where applicable
33. Dwr y Felin Comprehensive is a well-established school with established walking routes for children.
34. It is relatively centrally located within the County Borough and is readily accessible by vehicle.

Impact on governors

35. The governing body and the school leadership team at Dwr y Felin Comprehensive School will be responsible for the day to day management of the provision, including the specialist staff who will become part of the school's staffing complement. The school budget will be funded accordingly.

Impact on special needs education provision

36. As a self-contained provision, the facility will not have a direct impact on the SEN provision of Dwr y Felin Comprehensive School where pupils with additional learning needs, including children with statements of special educational needs, are supported in a mainstream setting with appropriate funding for this purpose.
37. However, the specialist knowledge and skills-set of the staff employed to work at the provision will be available to share with mainstream staff and, as such, will indirectly benefit SEN provision at the school.
38. It is also envisaged that the provision will be able to provide support and training for other mainstream primary schools across Neath Port Talbot, building skills, competencies, expertise and capacity of all staff working with children with ASD.

Financial Impacts

39. Dwr y Felin Comprehensive School will receive additional funding to manage the provision for up to 16 pupils.

40. Meeting the special needs education of pupils in local settings, i.e. within the County Borough, avoids having to secure expensive out-of-county provision. The cost of providing education outside the County Borough for pupils with specialist needs is high, and can amount to circa. £80k per pupil per year. This annually presents a significant demand on the Council's education budget.
41. Provision has been made within the Department of Education, Leisure and Lifelong Learning (DELLs) revenue budget in 2019-2020 to fund the establishment of the provision.
42. The provision will be resourced by specialist teachers and teaching assistants or key workers with the appropriate skills set.
43. Self-contained accommodation will be developed in surplus accommodation at the school. There will be a one-off capital cost for the refurbishment/conversion work.
44. Secondary age pupils living 3 miles or more from the provision will be considered for assistance with travel costs and as such there is likely to be an increase on transport costs as a result of this proposal. Annual transport costs are difficult to predict as this will depend on the number of children needing to be transported and on the distance they will need to travel to the provision from their home. Again provision has been made within DELLs revenue budget in 2019-2020 to help fund any additional transport costs.
45. There are no capital receipts or recurrent costs savings directly related to this proposal other than savings from potential home education/out-of-county placement costs.

Integrated Impact Assessment

46. An integrated impact assessment has been undertaken to assist the Council in discharging its legislative duties under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.
47. The establishment of an ASD provision for secondary aged pupils in Dwr Y Felin Comprehensive School will provide vital support and specialist teaching for pupils with ASD. It will support ALN reform

and ensure that the Council is able to fulfil its legal obligations to meet the needs of pupils with ALN.

48. It will have positive impacts on age, disability, race, religion/belief, sex and sexual orientation and will assist the Council's ability to meet the Public Sector Equality Duty. Additionally it will have a positive impact on social exclusion and poverty, and a positive impact on opportunities to use the Welsh language and in treating Welsh and English equally.
49. The Wellbeing of Future Generations has been considered and the establishment of an ASD provision directly impacts on the Council's wellbeing objective –'to improve the wellbeing of children and young people'.
50. The integrated impact assessment is included as Appendix B.

Valleys Communities Impacts

51. There are no implications on the Valley Communities as a result of this report. Potential impacts will be assessed should this proposal succeed.

Workforce impacts

52. The position of staff currently employed at Dwr y Felin Comprehensive School will not be adversely affected by this proposal. In fact, the increased number of pupils secures staff employment by creating additional employment opportunities by way of an increased staffing complement.
53. Additional staff posts have been identified and these will comprise of specialist teachers and teaching assistants or key workers. The skills and expertise that these additional staff members will possess will be available to be utilised for the benefit of the wider, mainstream school communities.

Legal impacts

54. The proposal will establish SEN provision in a mainstream school where the pupils admitted are in addition to the admission number for the school and where the provision is recognised by the Council as reserved for pupils with SEN. As such, this constitutes a

regulated alteration requiring the statutory publication of the proposal. The School Standards & Organisation (Wales) Act 2013 (the Act) provides the legislative framework by which the Council may implement a proposal. The Welsh Government's School Organisation Code, November 2018, made under Sections 38 and 39 of the Act, imposes on the Council requirements and guidelines on matters relating to school organisation. The Council's procedures are in line with legislative requirements.

55. Pupil travel arrangements will be in line with the requirements of the Learner Travel (Wales) Measure 2008; the Learner Travel Statutory Provision and Operational Guidance 2014; and the Council's Home to School Travel Policy, 2017.
56. Revenue funding will be in line with the requirements of the School Standards and Framework Act 1998; the School Funding (Wales) Regulations 2010; and the Council's approved formula for funding schools.
57. The management of staff affected by the proposal will follow the relevant school policy and procedure requirements.

Risk management

58. A risk assessment has been carried out under the Council's Risk Management Policy 2015.
59. Potential risk areas in implementing the proposal include:
 - educational outcomes for pupils are not improved
 - integration at a provision is unsuccessful
 - negative response from parents of host school
 - staff with appropriate skills and expertise not available
 - increased governance and staff responsibilities
 - increased home to school travel time for some pupils leading to poor attendance
 - Welsh language development not supported
60. Failing to implement the proposal will result in a range of teaching/learning and financial benefits not being fully realised, particularly in relation to:

- opportunities for a pupils to access specialist staff and support
- host school indirectly benefit from specialist staff on site
- mainstream schools benefit from increased support and training in order to improve skills and build capacity

61. The risk assessment is attached to this report as Appendix C.

Impact on community usage

62. The proposal should have no adverse impact on community usage at Dwr y Felin Comprehensive School as there is no closure or reduction in community facilities involved with this proposal. The provision will occupy accommodation surplus to the school's requirements and will be a self-contained provision having no impact on the school's operation regarding community usage.

Publication of proposals

63. Member approval is sought to publish the proposal in line with the requirements of the School Organisation Code. A draft statutory notice accompanies this report (Appendix D). It is intended to publish the proposal on 7th January 2020, allowing 28 days for receipt of objections, i.e. until 4th February 2020.

64. The proposed date of implementation to be 20th April 2020.

Recommendation

65. Having given due regard to the responses to consultation, and the integrated impact and risk assessments, it is recommended that, in line with Section 48 of the School Standards and Organisation (Wales) Act 2013, Members approve the statutory publication of a proposal to establish specialist provision for secondary age pupils with ASD at Dwr y Felin Comprehensive School.

66. The proposed date of implementation to be 20th April 2020.

67. Notice of the proposal to be published on 7th January 2020, allowing 28 days for receipt of objections.

Reasons for proposed decision

68. This decision is necessary to comply with the formal publication requirements imposed on the Council by the School Organisation Code and associated legislation. A draft statutory notice is attached as appendix D. Implementation of the proposal will enable the Council to promote high educational standards and the fulfilment of every child's potential. It will also enable the Council to meet its duty to secure efficient education in its area.

Implementation of the decision

69. The decision is proposed for implementation after the three day call in period.

Appendices

Appendix A: Consultation Report
Appendix B: Integrated Impact Assessment
Appendix C: Risk Assessment
Appendix D: Draft Statutory Notice

List of background papers

- a) Consultation Document
<https://www.npt.gov.uk/media/12419/dwr-y-felin-consultation-asd.pdf>
- b) Education Skills and Culture Cabinet Board 12th September 2019
<https://democracy.npt.gov.uk/ieListDocuments.aspx?CId=315&MId=8720&Ver=4>
- c) Strategic School Improvement Programme Principles Paper: September 2008
[https://democracy.npt.gov.uk/Data/Cabinet/20080924/Agenda/\\$CAB-240908-REP-EL-KN.doc.pdf](https://democracy.npt.gov.uk/Data/Cabinet/20080924/Agenda/$CAB-240908-REP-EL-KN.doc.pdf)
- d) Welsh Government - School Organisation Code: November 2018
<https://gov.wales/sites/default/files/publications/2018-10/school-organisation-code-second-edition.pdf>
- e) School Standards & Organisation (Wales) Act 2013
http://www.legislation.gov.uk/anaw/2013/1/pdfs/anaw_20130001_en.pdf
- f) Learner Travel (Wales) Measure: 2008 & the Learner Travel Statutory Provision and Operational Guidance: 2014.
http://www.legislation.gov.uk/mwa/2008/2/pdfs/mwa_20080002_en.pdf
<https://gov.wales/sites/default/files/publications/2018-03/learner-travel-statutory-provision-and-operational-guidance-june-2014.pdf>

g) Home to School Travel Policy: 2017

https://www.npt.gov.uk/media/4231/npt_home_to_school_travel_policy_2017.pdf

h) Estyn

<https://www.estyn.gov.wales/inspection/search>