
SEND Provision at Lansdowne Road

Executive Decision

Decision to be taken by: Executive Member

Decision to be taken on: 3 October 2024

Lead director/officer: Laurence Jones

Useful information

- Ward(s) affected: All
- Report author: Michael Wilsher, Head of Education Sufficiency and Admissions
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- Report version number: 1.0

1. Summary

- 1.1 There has been a continued demand for specialist places across the city and several projects to expand SEND provision have been approved, including the refurbishment of a council-owned property at Lansdowne Road (70 Knighton Lane) to support additional places at the Leicester Partnership School (LPS).
- 1.2 Due to contractor issues the project has been delayed and there is an opportunity to decide if the site would be best utilised as an expansion to LPS as originally intended or to use the site for a special school expansion.
- 1.3 This report outlines both proposals and the proposed recommendation for a decision.

2. Recommended actions/decision

- 2.1 Recommended to consider the contents of the report and approve which provision option is preferred at Lansdowne Road (70 Knighton Lane);
- 2.2 Approve work to commence on the determined project be completed with its associated budget.

3. Scrutiny / stakeholder engagement

4. Background and options with supporting evidence

4.1 History of the project

An executive decision taken on the 17th July 2020 (see **Appendix 1**), which approved the release capital programme policy provision to fund the expansion of, Leicester Partnership School (LPS), Pupil referral unit (PRU), which specialises in supporting children with Social Emotional and Mental Health difficulties, with and without an Education Health Care Plan. The proposed expansion would create overall 40 additional places for pupils.

Following this decision, designs and plans were approved, and contractors approached. The plans for this site currently offer:

- 2 standard size classrooms
- 1 small classroom
- 1 science laboratory
- 2 reflection rooms
- 1 small kitchen
- 1 sports hall

A staffroom and a number of small meeting rooms and office space. (See **Appendix 2** for designs)

The PRU currently has 69 Key Stage 3 pupils and 78 Key stage 4 pupils on roll (totalling 147 pupils). The increase in capacity (40 places) was to provide for children and young people with ASD and SEMH needs and 15 of these places have already been accommodated at LPS' main site at Carisbrooke Gardens in anticipation of the project. This leaves an additional 25 places to be accommodated at with the addition of the refurbished and developed site at Lansdowne Road.

However, the original costs proposed by the preferred contractor for the project suddenly increased significantly, which has delayed the projects implementation. During this time plans have been reviewed and alternative use of the site as a possible expansion to a Special School have been proposed.

For the project to proceed a strategic decision is required to determine which proposal best meets the strategic priorities for specialist places and to involve the approved school as a client in the project to deliver these places.

4.2 SEND Sufficiency – Demand and Forecasts

There is increased demand for both Special School and DSP places. Based on current SEND Forecasts with mitigations in place demand for SEND places will continue to increase.

For SEND provision the largest demand based on SEND primary need are for Social Emotional and Mental Health (SEMH); Autistic Spectrum Disorder (ASD); and Speech, Language and Communication Needs (SLCN). Current forecasts predict that demand will continue to increase for ASD and SLCN places in future years.

Request for EHC plans have increased significantly since the pandemic and pupils presenting have a range of complex issues, covering multiple diagnoses and require significant support to establish needs.

Future projects to support the demand for SEND provision will need to provide specific support to meet growing need for ASD, SEMH and SLCN pupils. This could be provided at Lansdowne Road through upskilling LPS staff and resources to cater for EHC pupils or through special school expansion to this site for provision that will meet demand.

4.3 Leicester Partnership School proposal for Lansdowne Road

The site could accommodate a KS4 hub for LPS to create a dedicated teaching space for KS4 pupils on a daily basis and rotate provision for other KS4 pupils accessing alternative provision. This could create 40 places for EHC pupils across both the Carisbrooke and Lansdowne sites.

4.4 Special School proposal for Lansdowne Road

The site could accommodate between 15-25 permanent places (depending on need) for pupils with an EHC plan. This would not provide as many places but could provide specific SEND support for pupils needs. This site could work as a satellite site for a

special school and use staff moving between the main school site and the satellite site to educate pupils.

4.5 Comparisons between PRU or Special School Provision

Location

The location of the site provides good transport links around the city making it ideal for a city wide provision such as a PRU or Special School. The Lansdowne site is within 1.6 miles walking distance of the Carisbrooke site. The closest special schools would be Millgate at 0.8 miles walking distance and Ellesmere 1.6 miles walking distance. All of these schools would be within a reasonable distance of the main site. Other special schools could utilise the site, however they would need to overcome the complexities that a greater distance may present.

Age Range

LPS provide education from age 11-16 (secondary education). A special school could provide from 4-19 depending on the provision needed.

Cost per pupil place

LPS and special schools are funded differently. Special Schools will range in costs depending on the school place and need and linked directly to the high needs block of funding. High needs funding is under significant pressure and currently subject to a high need's recovery plan. A special school placement can start from approx. £24k+ per pupil. PRUs are funded through a flat rate agreed with school's finance. Currently the cost per place is estimated to be £18k per place. Comparatively, 25 places at either provision would cost £450k at LPS and £600k at a special school per academic year.

Type of SEND provision

LPS have been increasingly working with pupils with SEMH and ASD needs through intervention placements with schools as well as when pupils are permanently excluded. EHC places at the PRU would be for children with these needs, but further support and training would be required to support complex needs.

Several special schools have the expertise to support complex cases with SEMH and ASD needs. Other special school could provide different specialisms for high need areas.

Ofsted rating

All special schools in Leicester are currently graded 'Good' to 'Outstanding' by Ofsted. LPS is also currently rated as 'Good'. Therefore, neither option is currently subject to restrictions in expanding provision at their schools.

Exclusions and reintegration

When a pupil lives in Leicester and is permanently excluded from school during the secondary phase of education, LPS respond to meet the LA's statutory duty to provide education. LPS have experienced increase numbers in permanent exclusions over recent years, but pupils are not permanently excluded from LPS. LPS also have significant experience in reintegrating pupils back into mainstream through admissions and fair access processes after a period of intervention. Special schools have issued permanent exclusions in the past and the rate of reintegration from special back into

mainstream is very low, as mostly pupils who require this level of SEND support remain in special for the remainder of their school life.

School status and additional requirements

All schools, including special and PRUs generally are either LA maintained (under the control of the LA) or Academy (under the control of the secretary of state and managed by an academy trust). The LA are not allowed by law to open a new provision.

LPS is a LA maintained PRU and therefore agreed placements and expansion of places are under the control of the LA. The LA also work in partnership with academy schools and their trusts to commission placements at their schools for pupils with EHC plans, however, academies control how many places are available and are legally allowed to offer these places to other authorities. This can create difficulties when commissioned place number drop or cost of placements increase, leaving the LA vulnerable to changes.

In addition, if the site was to be used by an academy trust the land would need to be transferred through a legal agreement. This would not be the case for LPS as it would remain under LA control. In addition, a special school would likely need to seek approval from the DfE through a significant change request for an expansion or satellite site. This process would not be required for LPS, as PRUs generally are funded and arranged differently to accommodate demand for places through exclusion.

Staffing

LPS plan to move their current KS4 Team to the Lansdowne Centre. They will mainly operate with the same staff team but will need to add additional staffing to manage the site and support learning.

Additional staff training will be required and commissioned through Specialist Schools, SEND Support services and/or external Providers.

There may also be a need to commission some additional AP places to supplement the education provision that we will offer to the additional KS4 pupils.

A special school potential would require a new Assistant Head Teacher for the site with at least 4-6 additional teaching/support staff to maintain a 2:10 staff to pupil ratio. Economies could be had with staff supporting from the main site, but this could also increase costs of split-site funding and transport costs.

Staff would already have significant training and experience in supporting pupils with complex SEND needs and will have an established training programme.

4.6 Options considered.

Option 1 – Approve building works to commence with a decision for LPS to operate their KS4 provision on the Lansdowne Road site.

This will provide the additional 40 EHC places. However, this will require staff to be developed to support pupils with complex SEMH and ASD needs. There would also need to be support in developing the curriculum for these pupils to meet expected outcomes. This could provide better links for reintegrating back into mainstream education and provide a smaller setting for pupils with SEMH and ASD needs.

The provision would remain under LA control limiting the risks to secured places. However, there is a risk that the PRU could choose or be forced to convert to an academy in the future. The PRU also have access to LA SEND support services and LPS are currently part of a DfE programme and employ Speech and language professionals, youth services and a cognitive behavioural therapist.

Option 2 – Approve for building works to commence with a decision for a special school to operate on the Lansdowne Road site for 15-25 places.

This site could be offered to all Special Schools within the city with a clear remit for the provision in terms of primary need and age range, to meet the current gaps in provision. A fair and transparent decision process would be required to ensure the special school is allocated to the best possible provider.

If an academy manages the site this will need to be transferred through a short or long-term lease, whereas a maintained special school wouldn't require a lease. However, for any special school to use the site as a satellite site would require a significant change request for DfE approval. In addition, the LA would risk not having the same legal control over places if an academy special school operates the site, as changes in Trust leadership could impact on the trust deciding to offer places to other local authorities and not city pupils.

The school should already have significant experience in delivering a curriculum for pupils with SEMH, ASD or SLCN and expertise in supporting complex pupils. The provision may not deliver the same quantity of places but would provide more specialist on-site provision. Although cost per place would be greater than the LPS option, pupils will be more likely to maintain their placement longer, providing a specialist and suitable provision for their needs.

Option 3 – Approve for building works to commence with a decision for LPS to operate a dedicated specialist provision in partnership with a special school to provide a dedicated small provision for pupils with complex needs.

This option would reflect recent trends in EHC plan needs with pupils with complex needs struggling to cope in large special school or mainstream environments. This option has not been explored with LPS or special schools, but could be an innovative solution to current assessment, intervention and provision needs. Although this would likely require significant investigation and negotiation to develop a new and innovative working model, with a risk that it may not be deliverable. It may also become subject to further scrutiny from the DfE as a new school provision.

Option 4 – Stop any further development of the site with a decision not to operate any educational provision from the site.

This option would be directly detrimental to the capacity of SEND provision, losing at least 25 required placements, which would have to be sourced through other specialist provision which can cost significantly more (up to £90k per year per pupil). The site would still require maintenance and is unlikely to be leased for other purposes than education.

Based on the circumstances outlined and demand for SEND placements, an executive decision is recommended to approve Option 2, to approve building works to commence with a decision for a special school to operate and provide provision at the Lansdowne Road site.

This option provides greater certainty of expertise and support for pupils with SEMH, ASD or SLCN with a special school. It will also provide further dedicated SEND placements to meet demand for places.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

The estimated cost of this option is £2,295k which would be funded from within the existing approved additional send places project budget of £7,711k.

Paresh Radia - Finance

Dated: 20 September 2024

5.2 Legal implications

Pursuant to Sections 13 and 14 of the Education Act 1996, the Local Authority has the legal responsibility to ensure that there are sufficient school places within the local area, including places that are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

A party may seek to challenge a decision by way of an application for judicial review, where there is scope to challenge the reasonableness and fairness of, or the process followed in reaching a decision in accordance with the judicial review principles.

It is noted that a previous decision was taken to expand LPS at the proposed site, however, 3 other options are set out above. It is recommended that legal advice is obtained in relation to any potential risks of changing this decision.

The preferred option set out in the report seeks to expand a special school and to utilise the site as a satellite site. The relevant legal framework is contained in Chapter II, Part II of the School Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This is supported by the statutory guidance *Making significant changes ('prescribed alterations') to maintained schools*.

Where proposals seek to expand onto an additional site the new provision must genuinely be a change to an existing school and not in reality the establishment of a new school, which is prohibited. A number of factors should be considered as part of the statutory process.

A statutory process of consultation (which includes a period of formal representation of at least 4 weeks) will be required in relation to any proposed expansion once the school has been identified. If a maintained special school is identified, the Local Authority will be the responsible body. Further advice should be sought in relation to the process which must be followed as the proposals develop.

Julia Slipper, Principal Lawyer (Education & Employment), ext 6855

Dated: 23 September 2024

5.3 Equalities implications

When making decisions, the Council must comply with the public sector equality duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

We need to be clear about any equality's implications of the course of action proposed. In doing so, we must consider the likely impact on those likely to be affected by the options in the report and, in particular, the proposed option; their protected characteristics; and (where negative impacts are anticipated) mitigating actions that can be taken to reduce or remove that negative impact.

Protected characteristics under the public sector equality duty are age, disability, gender re-assignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report cites four options with option 2 being recommended based on the circumstances outlined in the report and demand for SEND placements across the city. This option is likely to have positive impacts in terms of the aim of the PSED to advance equality of opportunity, particularly in relation to age and/or disability, by ensuring support for pupils with SEMH and ASD is available and help towards meeting current gaps in provision across the city. We need to ensure any consultation/engagement required is accessible, fair and proportionate and targeted at relevant stakeholders.

Sukhi Biring, Equalities Officer

Dated: 19 September 2024

5.4 Climate Emergency implications

Schools are a significant sources of greenhouse gas emissions in Leicester. Following the city council's declaration of a Climate Emergency, and its ambition to achieve carbon neutrality, addressing these emissions is a part of the council's efforts in meeting this aim. This is particularly important in projects where it has the greatest influence and can engage with partners to ensure that highest possible standards of energy efficiency and carbon reduction are achieved.

As part of the potential refurbishment of the site consideration should be given to all relevant measures to increase energy efficiency and reduce emissions. This could include the installation of high-performing insulation, energy efficient heating, low energy lighting and low carbon/renewable energy systems such as solar PV panels and heat pumps. These measures should also reduce energy bills and improve the level of comfort for occupants.

Any development will nonetheless be required to follow policy CS2 of the Adopted Leicester Core Strategy and relevant building regulations. A toolkit is also being developed to support the achievement of reduced carbon emissions in council capital construction and renovation projects, which could potentially be used to inform development.

Aidan Davis, Sustainability Officer, Ext 37 2284

Dated: 20 September 2024

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Background information and other papers:

7. Summary of appendices:

Appendix 1 – Executive Decision Report – Expansion of SEND Places previously agreed at the proposed site.

Appendix 2 – Lansdowne Road – Draft proposed plans of how the site could be reconfigured for education provision. These designs are subject to change.

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

9. Is this a “key decision”? If so, why? No