

Briefing Paper - Creation of new SEND places in Academies

Context

The Regional Schools Commissioner, Hannah Woodhouse has written to all Southwest Directors regarding the expectations and processes required to take forward the opening of any new provision within academy schools. The letter is in response to the rising need to provide more specialist provision for children with SEND. As all local areas are now planning and considering how to make best provision for the following academic year and beyond, the Regional Delivery Directorate (RDD) has set out the expectation and guidance for making a significant change.

What is a significant change?

Significant changes are anything that will impact on the school's structure, organisation or physical environment, usually by the change in the number or type of provision that is offered. In the context of SEND provision the majority of these changes fall into three categories

- Changes to the number of pupils in special school
- Change in type of SEN provision in a special school
- Changes affecting SEN units or resourced provision in "mainstream" schools.

The guidance allows for a threshold increase to Special schools to 20 pupils or 20% of places, whichever is smaller, without the need for a significant change process.

Any changes to SEN units or resource bases will need to go through a significant change process.

Why might we need to use the significant change process in Torbay?

To meet the needs of children and young people we have established several resourced provisions within our mainstream schools. These cater for children and young people with ASC, Hearing Impairments and Anxiety and Social, Emotional and Mental Health (SEMH).

We are also developing new provision for primary aged pupils with SEMH attached to a trust.

We also have a high number of special schools that work in partnership to accommodate needs flexibly.

What will be considered as part of any request?

All proposals will be considered against all the available options, with a view to the strongest possible school locally being asked to expand first, rather than those which do not currently demonstrate strong leadership or quality of provision.

The considerations that would be taken into decision making are: -

Quality	<p>Schools that have poor outcomes for children or concerns recorded by Ofsted about current provision should not be putting in requests.</p> <p>Clear evidence will need to be submitted as to how specialist expertise, as well as agreements with the LA on the level and type of need to be catered for.</p>
Deliverability and Timeliness	<p>The application needs to be timely to enable the process to go through either a fast track or full business case approval process. The application must be timely for a suitable recruitment plan, comprehensive curriculum, and transition arrangements after the approval process.</p> <p>The process requires a minimum four-week period of consultation by the applicant with all stakeholders. Local Authorities must be consulted in all applications and make a written recommendation.</p>
Suitability	<p>The provision cannot conflate a range of types of needs or involved arrangements not generally appropriate for Special provision</p>

What will be the impact for Torbay?

The desire to place provision in high quality academies will continue to be at the centre of all decision making. For the majority of our requests the process will continue to bring about the outcomes we require for our children and young people. Torbay has always engaged the RDD team in early conversations regarding any provision that is being established and in the main this has brought about the necessary change.

For some applications in addition to quality the local area will need to increase provision based on the availability of capital assets, geographical location, and community need. For many of our providers the growth of the provision within their school community would be supportive of improving their outcomes.

Recent experience of conducting a significant change process, demonstrated that there can be a challenge to the plan based on historic information. For example, poor outcomes that are now three years old (with no ability of the school to show more recent progress) was a factor in refusal.

To ensure that risks can be identified and mitigated we will need to: -

- Plan any increase in numbers one year prior to any admission
- Not increase numbers once these are set (unless in the 20% category permitted for special schools)
- Work with our trusts to be able to submit a full business case with all the necessary information to be able to meet the approval expectations.
- Continue to use our regular RDD conversations to raise future proposals and ensure that these are co-produced.
- Ensure that any proposals are inclusive of the specialist resources that might be required to deliver to the identified group of needs.
- Create clear admission criteria and ensure that this is adhered to when placing children and young people in the SEN units or resourced provisions.

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