

CHILDREN'S SERVICES COMMITTEE

AGENDA



Tuesday 15 November 2022

at 4.00 pm

**in the Council Chamber,
Civic Centre, Hartlepool**

MEMBERS: CHILDREN'S SERVICES COMMITTEE

Councillors Boddy, Cowie, Groves, Harrison, Lindridge, Moore and Sharp.

Co-opted Members: Jo Heaton, C of E Diocese and Joanne Wilson, RC Diocese representatives.

School Heads Representatives: Mark Tilling (Secondary), David Turner (Primary), Zoe Westley (Special).

Six Young Peoples Representatives

Observer: Councillor Buchan, Chair of Adult and Community Based Services Committee

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**

- 3.1 Minutes of the meeting held on 11 October 2022 (*previously circulated and published*).

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

4. BUDGET AND POLICY FRAMEWORK ITEMS

No items.

5. KEY DECISIONS

- 5.1 Dedicated Schools Grant (Former Education Services Grant rate per pupil) – Disapplication Request – *Director of Children's and Joint Commissioning Services and Director of Resources*
- 5.2 Temporary Accommodation at Kingsley Primary School to Support Children with Special Education Needs (SEND) – *Director of Children's and Joint Commissioning Services*

6. OTHER ITEMS REQUIRING DECISION

No items

7. ITEMS FOR INFORMATION

No items

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Date of next meeting – Tuesday 29 November 2022 at 4.00pm in the Civic Centre, Hartlepool.



CHILDREN'S SERVICES COMMITTEE

15 November 2022



Report of: Director of Children's and Joint Commissioning Services
and Director of Resources and Development

Subject: Dedicated Schools Grant (former Education Services
Grant rate per pupil) – Disapplication request

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision - tests (i) and (ii) applies. General Exception Provisions apply.

2. PURPOSES OF REPORT

2.1 To inform members of the outcome of Schools' Forum held on the 19 October 2022 and their decision in relation to the 2023/24 Education Services General Duties Rates.

2.2 To agree that the local authority should present a disapplication request to the Secretary of State in order to ensure that the local authority can discharge its statutory responsibilities.

3. CONSIDERATION OF ISSUES

3.1 New national funding arrangements introduced in 2017/18 shifted responsibility for funding statutory duties from a specific grant to the Dedicated Schools Grant. The government provided no additional funding to schools to cover this cost shift. Members will recall that since 2017/18 the Council has had to apply for disapplication, in order to secure this funding.

3.2 For the financial year 2023/24, the local authority proposed a rate of £60 per pupil. The rate is unchanged from 2017/18, which means the rate will have remained unchanged for seven years.

3.3 Schools' Forum considered this proposal and did not agree to transfer the funding to the local authority. Schools were clear that it was **not** because of concerns about the quality of services provided by the local authority, but they considered that funding statutory duties from school budgets is a budget cut

and this funding should be provided by the government. Regulations state that if agreement cannot be reached with maintained schools the matter would need referring to the Secretary of State for a decision.

- 3.4 This has been the consistent view of Schools' Forum for the past six financial years – from 2017/18 to 2022/23 inclusive. In each of these financial years, the local authority has successfully applied to the Secretary of State for disapplication of the Regulations. This means that the local authority is able to remove the required element of funding to ensure that statutory responsibilities are discharged.

4. RISK IMPLICATIONS

- 4.1 In relation to the 2023/24 rate, should the Secretary of State not agree to the request of £60 per pupil/place, the local authority would not have enough funding to discharge essential statutory services to schools. This is considered low risk as applications by the Council have been approved for the previous six financial years.

5. FINANCIAL CONSIDERATIONS

- 5.1 If the Secretary of State does not agree to the request of £60 per pupil/place, the local authority would not have enough funding to discharge essential statutory services to schools.

6. LEGAL CONSIDERATIONS

- 6.1 The Schools Revenue Funding 2023 to 2024 Operational Guide states that local authorities should set a single rate for the Education Services General Duties for 5 to 16 year olds. Local authorities may choose to establish differential rates for Special Schools and Pupil Referral Units.

7. CONSULTATION

- 7.1 At its meeting of the 19 October 2022, the maintained schools members of Schools' Forum were consulted on the rate of £60 per pupil/place.

8. CHILD AND FAMILY POVERTY CONSIDERATIONS

- 8.1 There are no specific child and family poverty considerations.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 There are no specific equality and diversity considerations.

10. STAFF CONSIDERATIONS

- 10.1 There are no staff considerations.

11. ASSET MANAGEMENT CONSIDERATIONS

- 11.1 There are no asset management considerations.

12. CONCLUSIONS

- 12.1 The maintained schools members of Schools' Forum at the meeting on 19 October 2022 did not agree to the transfer of £60 per pupil/place to the local authority for the provision of statutory duties. Regulations state that if agreement could not be reached with maintained schools, the matter would need referring to the Secretary of State for a decision.
- 12.2 Based on the decision made by the Secretary of State in relation to the 2017/18, 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 ESG rates, the Council has demonstrated the case for the funding required to discharge statutory responsibilities. Therefore, this provides a good basis for seeking approval for the 2023/24 rates, which it is proposed is maintained at £60 for the seventh consecutive year.

13. RECOMMENDATIONS

- 13.1 It is recommended that Members:
- a) Agree the 2023/24 funding rate at £60 per pupil/place.
 - b) Agree to submit the disapplication request to the Secretary of State to set the Education Services General Duties rate at £60 per pupil/place for 2023/24.
 - c) Note this will be the seventh consecutive year the local authority has applied for disapplication and that the previous six applications have been successful.

14. REASONS FOR RECOMMENDATIONS

- 14.1 Without this element of funding the local authority would not be able to discharge some of its statutory responsibilities in respect of schools.

15. CONTACT OFFICERS

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Sign Off:-

Director of Resources and Development
Chief Solicitor

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CHILDREN'S SERVICES COMMITTEE

15th November 2022



Report of: Director of Children's and Joint Commissioning Services

Subject: TEMPORARY ACCOMMODATION AT KINGSLEY PRIMARY SCHOOL TO SUPPORT CHILDREN WITH SPECIAL EDUCATION NEEDS (SEND)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key decision test (i) and (ii) – General Exception Provisions apply.

2. PURPOSE OF REPORT

2.1 For members to approve the use of the High Needs Funding reserve (non DSG) to provide temporary accommodation at Kingsley Primary School. This is to support an increase in the number of children attending the school with additional needs and to ensure the accommodation is appropriate to meet their needs.

3. KINGSLEY SCHOOL PROVISION

3.1 Kingsley Primary School is a school that has an excellent reputation for supporting children with additional needs. They are commissioned by the local authority to deliver a 25 place ASD additional resourced provision (ARP) and have significant expertise in supporting children with Autism.

3.2 In 2021/22

- The ASD ARP was full – 25 places. The school as a whole had 21 Education, Health and Care Plans (EHCP),
- 3 of the children with Education Health and Care Plans moved to Catcote for their secondary education showing a high level of need for children attending a mainstream school, and
- Throughout the school year 5 Education, Health and Care (EHC) Needs Assessment were initiated.

- 3.3 The success of their provision has led to parents of children with additional needs requesting places at the school even if they do not live in the community. In addition there have been a significant number of children that have transferred to Kingsley mid-year when parents feel the current school their child is attending cannot meet need.
- 3.4 As of March 2022 there were 57 children who had moved into the school (outside of reception admission process across all years groups) out of a total cohort of 417. Twenty five of these 57 children have additional needs however cannot access the ASD ARP as this full.
- 3.5 In addition to the main school nine children have started nursery (September 2022) with significant additional needs. They are non-verbal and need significant adult support to keep them safe. There are also two nursery children starting after the October half term and both these children have significant needs. It is evident that parents are choosing Kingsley due to the expertise there staff team have.

4. ACCOMMODATION

- 4.1 The Kingsley School building is an appropriate size to meet the needs of 60 children in each year group. However the ongoing increase in the number of children attending the school with additional needs is placing significant pressure on the school to safely meet the children's needs. This is because these children require extra space to manage their need with more staff needed.
- 4.2 A recent review of the accommodation showed that it was becoming unsafe to educate the children in the space available. Therefore it was felt that the quickest way to ensure the safety of the children and staff was to rent a temporary building (Portakabin).

5. NEXT STEPS

- 5.1 The current situation is not sustainable and the proposed Portakabin accommodation is only temporary (approx. two years). It is therefore critical that we review the situation to identify permanent solutions. The following actions are being implemented
- Increasing the number of places at the Additionally Resourced provision at Grange primary school to increase the availability of provision for children with Autism,
 - Developing an additionally resourced provision at St Helen's Primary School for children with autism increasing the availability of provision for children with Autism,
 - Reviewing the needs of children with SEND attending Kingsley to ensure that the school is able to meet those needs ,and

- Working with all schools to develop an Inclusion Strategy so parents are confident that the provision their children attend can meet their needs.

6. RISK IMPLICATIONS

- 6.1 There is a risk that if we do not provide the additional accommodation at Kingsley School that the children's significant needs cannot be met and the environment becomes unsafe for the children and staff.
- 6.2 There is an additional risk that if we do not implement the actions in section 5 that the number of children with additional needs attending Kingsley will continue to increase and the temporary building will need to become permanent.

7. FINANCIAL CONSIDERATIONS

- 7.1 The cost of the temporary build for two years is approximately £190k. This will be funded through the High Needs reserve which is £194k. The situation will be reviewed in twelve months to understand the ongoing need.

8. LEGAL CONSIDERATIONS

- 8.1 The plans for the temporary accommodation is currently going through planning.

9. CONSULTATION

- 9.1 Ongoing discussions are being held with schools about the need to ensure that all schools are offering the appropriate support for children with additional needs. Parents are also involved in these discussions as they have concerns that their children's needs cannot always be met by schools. The aim is to develop an Inclusion Strategy with all partners.

10. CHILD AND FAMILY POVERTY

- 10.1 There are no child and family poverty considerations identified.

11. EQUALITY AND DIVERSITY CONSIDERATIONS

- 11.1 There are no equality and diversity considerations identified.

12. STAFF CONSIDERATIONS

12.1 There are no staff considerations identified.

13. ASSET MANAGEMENT CONSIDERATIONS

13.1 As set out above in the main body of the report.

14. ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS

14.1 The Portakabin system which will be used at Kingsley School, is the Ultima model, a high quality energy efficient models, further details of how the unit is manufactured to ensure this are given in more detail below:

- The external walls are of a durable one-piece construction with high-performance, low-maintenance plastisol-coated galvanised steel cladding to offer protection against fire, extreme weather and accidental damage. The roof provides outstanding insulation and is a one-piece construction covered with solar-reflective, profiled aluminum-zinc coated steel to reduce heat gain. Internally, the polyester-coated galvanised steel ceiling is designed to prevent condensation problems.
- The windows have PVC-U frames and are double glazed with low energy glass for optimum thermal performance. Draught and condensation problems are minimised by effective weather seals and the low thermal conductivity of the window frame and glazing materials.
- High levels of all-round performance are achieved by the Ultima building system, which has been independently assessed by the British Board of Agrément (BBA) and awarded a BBA certificate confirming that it meets the requirements of The Building Regulations (England and Wales), The Building Standards (Scotland) Regulations and other permanent building standards and codes of practice.

15. RECOMMENDATIONS

15.1 For members to approve the use of the High Needs (non DSG) reserve to fund a temporary building at Kingsley Primary School. This is to support an increase in the number of children attending the school with additional needs and to ensure the accommodation is appropriate to meet their needs.

16. REASONS FOR RECOMMENDATIONS

16.1 To ensure that we can meet the needs of children with SEND.

17. CONTACT OFFICER

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Sign Off:-

Director of Resources and Development ☒

Chief Solicitor ☒