

Cabinet 30 November 2022	 TOWER HAMLETS
Report of: James Thomas, Corporate Director, Children and Culture	Classification: Unrestricted
George Green’s School change of Designation from Complex Needs to Autistic Spectrum Condition – formal decision following statutory notice.	

Lead Member	Councillor Maium Talukdar, Cabinet Member for Education and Lifelong Learning
Originating Officer(s)	John O’Shea, Head of Special Educational Needs
Wards affected	All wards. George Green School is in Wapping
Key Decision?	Yes
Reason for Key Decision	Outcome will be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority
Forward Plan Notice Published	12/08/2022
Strategic Plan Priority / Outcome	Priority 3 Accelerate Education Every child achieves their best in education

Executive Summary

This report informs cabinet of the outcome of the four week period of public representation in response to the statutory notice on the prescribed alterations to George Green’s School to redesignate the resource provision within the school from Physical Disabilities to Autistic Spectrum Condition. (ASC)

The proposal is to make a prescribed alteration to George Green’s School to redesignate the resource provision and increase the number of places within the provision from 15 to 20, from January 2023. The report includes background information, the representations received, officer’s recommendations and the decisions available to the Mayor in Cabinet.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the proposal to agree the prescribed alterations to George Green's School, namely the redesignation of the Resource Base Provision from complex needs/physical disabilities to Autistic Spectrum Condition (ASC). as set out in the Statutory Notice at Appendix 2.
2. Note the Equalities Impact Assessment set out in Section 4 of the report and attached as Appendix 3 to the report.

1 REASONS FOR THE DECISIONS

- 1.1 The recommendation is made in order to determine the Council's response to representations received during the period of statutory notice proposing the prescribed alterations to meet the requirements of the SEN Strategy to address the needs of local children.
- 1.2 The provision will supplement existing provision for children with autistic spectrum conditions, and will particularly address the shortage of local provision for children with ASC needs but who are "high functioning" or able to meet achieve academically at, or around, age-appropriate levels in the secondary school cohort.

2 ALTERNATIVE OPTIONS

- 2.1 The Mayor could decide not to agree to the prescribed alterations in which case the new provision would not be available to local children and the Local Authority would not be able to deliver its SEN Strategy. If the decision was not to progress children would need to access high-cost independent special school provision, or to travel out of Borough for their needs to be addressed.
- 2.2 The Mayor could decide to delay the decision on the prescribed alterations until later. This uncertainty would adversely impact on the provision of education for the current pupils with ASC needs and would therefore not be in their best interests.

3 DETAILS OF THE REPORT

- 3.1 The report informs Cabinet of the representation made in response to the Statutory Notice.
- 3.2 The Mayor in Cabinet is asked to consider this response alongside the Equalities Impact Assessment (Appendix 3), and responses to the Stage One consultation (Appendix 1) before taking a decision on whether the council should proceed with the prescribed alterations at George Green's School to enable the redesignation of the resource provision at the George Green's site.

INTRODUCTION

- 3.4 George Green's School currently has a resource base designation for pupils with Physical Disabilities. This designation pre-dates both the 2010 Equalities Act and the 2014 SEND Code of Practice. Under the 2010 Equalities Act a pupil with a physical disability should have reasonable adjustments made to ensure that they could attend the school of their choice.
- 3.5 The redesignation of George Green's Resource Base will not preclude any pupil with physical disabilities from joining the school and school leaders are clear that as part of their rebuild and in line with the 2010 Equalities Act, George Green's School would still be able to provide support for young people with Physical Disabilities. The redesignation of the school's resource base develops expertise in a key area of special educational needs, supporting the Tower Hamlet's SEND Strategy by providing specialist support for young people with ASC, particularly those who struggle with regulating their social, emotional and communication needs.
- 3.6 The school, with Local Authority support have completed a Stage One consultation (Appendix 1) and, following Cabinet agreement, Statutory Notices have also been published, the deadline for representations was 30th September 2022.

BACKGROUND

- 3.7 The Tower Hamlets SEN Strategy identified a gap in specialist provision for Tower Hamlets children with autism spectrum conditions who are academically able to access mainstream education provision, but struggle because of their ASC needs. Too many Tower Hamlets children are needing to travel outside of the Borough for these particular needs to be met.
- 3.8 In response to the Tower Hamlet's SEN Strategy, and their own internal review of their SEND Provision, the Governors and Senior Leadership team at George Green's School approached the Local Authority with a proposal to redesignate their resource provision from Physical Disabilities to Autistic Spectrum Condition.
- 3.9 George Green's School and the Local Authority are currently planning for the provisions to be in place from as early as January 2023. It will be a specialist ASC Resource Base within George Green's School. This new facility will provide more inclusive provision and also extend the range of options to meet

the diverse needs of vulnerable children who are able to access a mainstream curriculum, albeit with significant modification, support and intervention. This approach is in line with the key objectives of the LA's SEN strategy.

REASON FOR THE RECOMMENDATION TO MAKE PRESCRIBED ALTERATIONS TO GEORGE GREEN'S SCHOOL

- 3.10 There are a number of children In Tower Hamlets whose ASC needs are not currently being fully supported, and some who have been placed outside of the Borough because there are no suitable local placements.
- 3.11 Tower Hamlets has seen an increase in children with ASC needs, this is in keeping with increases nationally. Research from Newcastle University indicates this is linked with earlier identification and improved diagnosis. ¹ Previously many children with ASC needs were often considered to have SEMH or SCLN needs
- 3.12 The proportion of children with ASC as their primary need continues to rise in Tower Hamlets, from 11% in 2019 to 14.7% in 2022. It was only as recently as 2020 that the Tower Hamlet's figure was higher than the national average (11.9%) and the gap with national data has increased since then. The proportion with Speech, Language and communication needs (SLCN) has always been higher than elsewhere and is currently at 40.3%. Many children with SLCN needs often have undiagnosed ASC or are yet to receive a diagnosis of ASC.

% ASC as primary need	2019	2020	2021	2022
Tower Hamlets	11%	12.8%	14.1%	14.7%
England	11%	11.9%	12.5%	13.3%

Figures from the SEN2 return to the DFE (2022)

- 3.13 Careful consideration has been given to the George Green's School community. Responses to consultation were positive. The school has a strong reputation for inclusive practice. The provision will introduce an excellent resource for the whole of Tower Hamlets.
- 3.14 An Equalities Assessment (EA) has been undertaken and is presented in the supporting documentation (Appendix 3).

CONSULTATION

- 3.15 The first stage of the public consultation process was Borough wide and informed the Revised SEN Strategy. This led to agreement on the need for a Tower Hamlets based mainstream provision with specialist support so that children with

¹ Roman-Urrestarazu, R et al. Association of Race/Ethnicity and Social Disadvantage With Autism Prevalence in 7 Million School Children in England. JAMA Pediatrics; 29 March 2021; DOI: 10.1001/jamapediatrics.2021.0054

a high level of ASC needs could be better supported in integrated mainstream provision. Although a significant number of Tower Hamlets Schools do include children with ASC needs, there is currently no specialist in-Borough provision of this kind for secondary age pupils.

- 3.16 Hermitage Primary School was selected to provide such a provision for primary age pupils in Tower Hamlets and this was ratified by Cabinet in July 2021. A Stage One consultation by George Green's School, involving parents, staff and other stakeholders was held in the Summer term of 2022. A summary report (Appendix 1) was published after the consultation. This was considered by the Council Cabinet who took the decision to publish statutory notices for prescribed alterations to George Green's School. Statutory Notices were published on September 2nd, 2022.
- 3.17 Copies of the Statutory Notices were posted at the school entrances, circulated to all schools and governing bodies, to the Trades Unions and to other stakeholders (faith groups etc.) as well as the DFE. Representations were invited before the deadline of 30th September 2022.
- 3.18 A meeting for stakeholders to ask questions and raise any issues was scheduled for the 14th September 2022. There was no take up of this opportunity.
- 3.19 The Local Authority and the school are working to finalise a Service Level Agreement. George Green's School staff and governors have made good progress in developing plans so that the provision can open. They have identified a number of young people with ASC who may be appropriate for the new provision and they have also been completing action plans to ensure that those pupils currently in the resource provision continue to have their needs met once the redesignation has taken place. The Local Authority will work with the school to ensure that appropriate placements are made to the redesignated provision and that placements are managed to ensure the success of the provision.
- 3.20 George Green's School Governing Body met on the 5th October 2022 to consider this report, all consultation responses, including any received during the statutory notice period.

RESPONSES TO THE STATUTORY NOTICE (Second Stage Consultation)

- 3.21 The statutory notice period provided a further opportunity to engage with stakeholders and to obtain their views.
- 3.22 No representations were received in response to the statutory notice and at the 5th October meeting the George Green's School Governing Body voted unanimously to move forward with the plans for the redesignation of the resource provision and the increase from 15 to 20 pupils.
- 3.23 The further period of public consultation did not result in any representation that would give cause for the Local Authority to reconsider its recommendation to make prescribed alterations to George Green's School to change the designation of its resource provision to Autistic Spectrum Condition and to increase the number of places in the provision from 15 to 20.

TIMETABLE FOR IMPLEMENTATION OF PRESCRIBED ALTERATIONS

3.24 If the decision is made to approve the prescribed alterations, the timetable for implementation will be as follows:

December 2022	Formal sign off of Service Level Agreement (Appendix 5) for new provision Transition Plan completed for those pupils with EHCPs in the current resource provision as per the Equalities Assessment
January 2023	Development of new provision, recruitment and transition planning The redesignated, 20 place, Specialist Resource Provision - will be established at the George Green's School site.

4 EQUALITIES IMPLICATIONS

4.1 An Equalities Assessment has been conducted by the LA and is attached at Appendix 3. This must be considered in detail before the Mayor in Cabinet considers the matters above, as part of his decision on whether to make prescribed alterations to the school.

4.2 The Equality Act 2010 requires the LA, when exercising its functions, to have due regard to eliminate discrimination, harassment, victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not (“the Public Sector Equality Duty”).

4.3 The Equalities impact assessment concludes that there are no negative implications for any group if the proposal is implemented, and that there will be positive advantages for children with disabilities. In particular, there will be increased opportunities for disabled children to access mainstream provision and there will be specialist support for “high functioning” children with Autism Spectrum Conditions. This does not currently exist within Tower Hamlets, which has led to children having to travel outside the Borough.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,

- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 (i) Managing the Impact of the Prescribed Alterations on School Staff

There will be no change to the existing provision for the school so there will be no significant impact on their existing roles, other than additional responsibility for Senior Leaders.

As new roles are being created there will be a recruitment process.

5.3 (ii) Best Value Implications

The Local Authority has a duty to ensure that schools are fulfilling their duties and that value for public money is achieved, whilst standards are maintained. The funding envelope for the new integrated provision is expected to improve value for money from the High Needs Budget.

5.4 (iii) Environmental (including air quality)

The school is situated close to the River Thames and air pollution levels are lower than most other schools in Tower Hamlets.

5.5 (iv) Risk Management

If this recommendation is agreed, risks of not providing sufficient suitable provision to meet SEND needs in Tower Hamlets will be reduced. Careful planning, management and evaluation in line with statutory guidance, mindful of the needs of the children, families and staff, and thoroughly addressing the considerations of the Equalities Assessment will ensure appropriate, effective and safe provision is in place.

As part of the George Green's School building programme, there will be spaces within the school allocated for use with pupils in the ASC resource provision.

5.7 (v) Safeguarding

The report deals with the Council's approach to managing the supply of school places for the local population. The efficient supply of school places contributes to the safeguarding of children by ensuring their access to good quality, sustainable education provision.

The SLA for the new provision includes safeguarding considerations, and the commissioning of social care support, if required, by the Local Authority.

5.8 (vi) Data Protection / Privacy Impact Assessment

The proposals presented in this report have followed an initial and formal public consultation using a variety of mechanisms. All responses received through these

mechanisms or made directly to Council officers or members have been included in the analysis of the feedback received. These responses have only been used to assess the community's view of the proposals and not for any other purpose.

The Council handles information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The additional places for the revised provision will be funded from the high needs block of the Dedicated Schools Grant (DSG) Whilst there would be an initial additional cost to the high needs block it is expected that over time these additional places will prevent Children going to higher cost out of borough places and the new provision would provide a savings opportunity, whilst providing more appropriate provision for Tower Hamlets Children. For those Children that are at the school in the current resource base individual funding would be agreed through a revised EHCP to ensure their needs are funded appropriately, also through the high needs block. There would be no general fund implications.

7 COMMENTS OF LEGAL SERVICES

7.1 The procedure for altering the provision for Special Educational Needs and Disability ('SEND') in a mainstream school is set out in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools (October 2018) and in Part 2 of the Education and Inspections Act 2006.

7.2 The statute and guidance set out the process of consultation which must take place before any decision is made to alter the provision for SEND in a mainstream school, and state that the decision maker is the local authority.

7.3 The Public Sector Equality Duty is set out in section 149 of the Equality Act 2010. This duty requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.4 The proposals set out in this report comply with the above legislation and guidance.

Linked Reports, Appendices and Background Documents

Linked Report

- Tower Hamlets SEND Strategy 2020-2024
[SEND Strategy 2020-24 V10 Final.pdf \(rackcdn.com\)](#)
- 01 August 2022 Cabinet Agenda and Decisions
[Tower Hamlets Council - Agenda for Cabinet on Monday, 1st August, 2022, 5.30 p.m.](#)

Appendices

Appendix 1	Stage One Consultation Report
Appendix 2	Statutory Notices
Appendix 3	Equalities Impact Assessment
Appendix 4	George Green's Governing Body response following Statutory Notice
Appendix 5	Draft Service Level Agreement

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

The following document(s) has been used in the preparation of this report:

- The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

Officer contact details for documents:

N/A