

**CABINET – 15 JANUARY 2008**

**POST 16 SPECIAL EDUCATIONAL NEEDS PROVISION**

**Report by Director for Children, Young People & Families**

**Background**

1. At its meeting on 16 October 2007, the Cabinet resolved to consult widely on proposals to extend the age range of some or all special schools. This report analyses the responses to that consultation and makes recommendations on the future provision to be made for children with Special Educational Needs (SEN) in special schools beyond the age of 16.
2. This consultation arose from several years of joint work between the County Council, the Learning and Skills Council (LSC), special schools and colleges, Connexions, parents (CHOICE) and others. There has been a long standing recognition that not all parents and students have been satisfied with the requirement, unique among English Authorities, that all students in special schools must leave at 16 with the only Oxfordshire provision being in Further Education (FE) colleges. In reality, a small but significant minority of students either went to schools or colleges outside the county, or failed to transfer and were left “Not in Employment, Education or Training” (NEET).
3. The Department for Children, Schools and Families (DCSF) national funding mechanism for post 16 students with SEN passes money through the LSC to the County Council but on an historical basis that does not reflect numbers or expenditure. The Council, as a result, currently spends around £1m a year more on this group than is received in grant for that purpose. Nor have resources matched need in FE colleges, which are funded in line with colleges elsewhere that are not expected to provide for, what amounts to, post 16 special schools.
4. While it is expected that the funding mechanism will be changed in 2009/10, so that resources follow the student, this has not previously been the case. Thus any expansion of post 16 provision in special schools would not be supported by increased funding unless the DCSF or LSC were to find a mechanism to supplement the national system. This has not been forthcoming so far.
5. In an attempt to address the wishes of parents of students with the highest levels of need, 18 students in 2007 have remained on their school sites. These are all students for whom it was agreed by all concerned that school would offer an appropriate setting and in some cases colleges were not able to offer what was sought. The intention was for them to be taught as part of their schools, on school sites but on FE college rolls and funded by colleges. This

scheme would have allowed the LSC to fund colleges and for that money to be passed on to schools. However, legal problems meant that the scheme was abandoned. Promises made to parents and students were honoured and the students have remained on school sites, but on school rolls (and therefore retaining their Statements of SEN) and have been funded by the County Council. The age range of the schools has not been increased and this situation can only remain in place for the remainder of this school year.

6. Though the scheme, as originally conceived, was not possible, the joint work did have several major positive outcomes. Among these were the agreement to resolve problems and to own the issues jointly that arose from meeting the needs of all post 16 students with SEN. Furthermore, an Oxfordshire curriculum framework was agreed which would apply across institutions and would support a flexible response to students needs, recognising that where a student is taught, at any particular stage, should not be the determinant of the provision he or she receives. Joint training and the appointment of college transition coordinators as well as an agreement on the length of the student day/week were also positive outcomes. Joint work on 14-25 Transition Protocols is near completion and will ensure support for students as they make the journey from childhood into adult living. Throughout there has been a recognition students needs can be met in more than setting and that a flexible response which allows movement between schools and colleges is a desired outcome.
7. The DCSF recognises that 'we need excellence in education and training, not just for some but for all young people'. It is also the case that, nationally, "...research has shown that factors other than the students' disability such as aptitudes, interests and personal aspirations were rarely taken into account in the decision making process and tended to be overridden by logistical or practical considerations. Furthermore, once students arrive at college, evidence suggests that there is a similar disregard for person aspirations and aptitudes as assumptions are made about what course is best for individuals. Arguably then, the choice and diversity characteristics of mainstream post 16 education are not available to many young people with SEN". (*Rethinking the 14 – 19 curriculum: SEN perspectives and implications, Dr Lesley Dee, University of Cambridge*). The collaborative work between the various parties and the proposals in the consultation seek to address, locally, those "logistical or practical considerations".
8. The Council recognises the importance of parental choice and strives to ensure that wherever possible children can be educated locally. It is committed to working with the LSC and other partners to provide flexible post-16 programmes which meet individual needs and believes that the greatest gains for students are likely to come from the development of strong links between schools and colleges. The model to be developed must be sufficiently flexible to allow for the proposed raising of the general leaving age to 18.

## **The Consultation**

9. This consultation took place over the period 31 October to 7 December 2007. It followed an earlier consultation in Autumn 2006 that demonstrated overwhelming support for the curriculum framework and agreement that, by using it, provision can be made in schools, colleges or a mix of both. There was also a strong indication at that time, that parents believe that special schools are most appropriate for children at steps 1-3 whereas colleges would better suit those at steps 7-8 and a combination of both might be best at steps 4-6.
10. In this consultation questionnaires were sent to the parents of all children in special schools and made available electronically on the County Council's website as well as being made available to former special school parents/students through FE colleges. In addition, the headteachers and governing bodies of all secondary and special schools were consulted as well as a wide range of professionals including FE colleges, the LSC, Connexions, Health and other Local Authorities. There were 269 responses from parents of current special school students and 57 from parents of pupils currently at FE colleges. The tables attached at Annex 1 provide details of the replies received. The file of all responses, which includes additional comments, is available in the Members' Resources Centre (County Hall).

## **Analysis of Responses**

11. It is clear from the tables at Annex 1 that there is an overwhelming support for the notion of extending the age range of special schools (97% of school parents, 89% of college parents and 99% of others) and the responses provided a range of comments supporting this. While the great majority of parents of current special school students want their children to be able to transfer to colleges when they are ready (269/271 replies), the responses received indicate that for many this might not be at 16 (265/274).
12. Comments were received from 50 students in special schools and colleges. Of those in school, 11 expressed a view to remain in school, 12 wished to transfer to college and 7 were not sure. Of those in college, 5 responded that they would have liked to stay in school and 15 were pleased to have transferred to college. The students expressed a range of views on things they felt were important to learn about including literacy, numeracy, preparation for work, IT, looking after yourself, cooking and independence skills.
13. Responses from Headteachers (9) and Governing bodies (4) of special schools were unanimously in favour of the extension of the school age ranges although four suggested this should be to 18 with the rest suggesting 19 or either.
14. In the case of Bishopswood Special School, Sonning Common, separate discussions have addressed the particular provision appropriate in that part of Oxfordshire, where all students leave school at 16 and those seeking post 16 education and training very largely transfer to Henley College. Bishopswood

School, a small school with around 3 students per year group, is therefore in line with the other schools in the area, in terms of age range. Its secondary provision is collocated on the Chiltern Edge School site so to extend its age range beyond 16 would create an anomaly. For that reason the headteacher has suggested that the age range should not change but that this should be kept under review and addressed again in future if circumstances require it. As every student, with one exception, has been offered an appropriate place at Henley College over the last five years this illustrates the ability of the college to meet local needs. Exceptionally, Bishopswood students could, at 16, transfer to other special schools with extended age ranges, if that were required. Transport would be provided in those circumstances.

15. A small number of parents suggested that 19 should not be the upper age limit; 76 of 265 suggesting 17 or 18. It is possible some of these responses reflect parents' views about their individual child's appropriate time for transfer rather than a view about the age range of the school. Equally, because parents suggest a 19 age limit does not necessarily mean that they would wish their own child to stay in school to that age.

### **Key Points from the Consultation**

16. One of the main reasons given for supporting an extension of the school age range is the perception that children in special schools do not have the same options open to them as those in mainstream schools, because special schools do not have 6<sup>th</sup> forms.

#### *Response*

17. In fact, not all mainstream schools offer a full range of suitable post 16 courses and not all have 6<sup>th</sup> forms, so, in practice, a large number of their students do not have a realistic option of staying on in their mainstream school after age 16. However, it is undoubtedly true that extending the age range of special schools would widen the options open to their students. It would allow students to remain in school until it suited them to move on rather than being forced to do so, arbitrarily, at 16. It would also facilitate collaborative working between schools and colleges, for example, by allowing students from one institution to attend the other for part of their course.
18. The LSC response alludes to Department for Children, Schools and Families (DCSF) guidance and seeks further information, clarification and assurances on a number of issues. It also makes reference to "the impact proposed age range changes would have on FE providers and provision within an area". However, the response states that "In summary the LSC is committed to working with the local authority to support a policy change to enable young people to stay in special schools where, as a result of a multi-agency review, it is deemed to be in the best interest of the learner and the choice of parents". The full response is available in the Members' Resources Room.

*Response*

19. The LSC's endorsement of the proposal to allow students to remain in special schools where that is their wish, is welcomed. While students and their parents being able to make real choices may have some impact on existing FE provision, there is also likely to be an increase in the overall % of students staying on either in local FE colleges or in schools. This would result from an expected reduction in placements in out of county colleges and schools and a decrease in the number of students who choose not remain in education at all. Proposed legislation to raise the general leaving age to 18 ("*Raising expectations: staying in education and training post 16*") would tend to reinforce this effect. College courses which are currently highly valued by parents and students and which attract significant numbers from mainstream as well as some special schools will almost certainly continue to flourish. This is particularly the case for courses catering for students with moderate learning difficulties. In some areas and for some students there is the possibility of a reduced take up of FE places, particularly for students with the severest learning difficulties. Because the proposals are likely to result in an overall increase in the number of students seeking appropriate education post 16, trained and skilled staff are likely to gain employment either in schools or on post 16 and post 18 courses in FE colleges.

**DCSF Guidance "Planning and Developing Special Educational Provision"**

20. DCSF guidance on making changes to SEN provision includes "The SEN Improvement Test" which requires that Local Authorities demonstrate the likely improvements in provision in terms of:
- a. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy*

*Response*

The proposal would improve provision by allowing students access to the education and associated services in their own school in addition to any provision available in FE colleges or elsewhere.

- b. improved access to specialist staff, both education and other professionals, including any external support and /or outreach services*

*Response*

Students would be able gain access to specialist staff and other professionals available through their school which otherwise would not be the case

*c. improved access to suitable accommodation*

*Response*

Students would continue to have access to existing accommodation in FE colleges but would also be able to have access to suitable and familiar accommodation in their own schools. This would be supplemented by additional accommodation as required.

*d. improved supply of suitable places*

*Response*

In 2007, of 89 year 11 students in special schools, 21 (24%) are continuing to receive LA funded provision. Of these 16 exceptionally remained in Oxfordshire special schools, 1 in a neighbouring authority and 4 in non-maintained schools. Extending the age range of the special schools would significantly improve the supply of suitable places and allow a greater proportion of students to continue in appropriate local provision in accordance with their wishes and those of their parents/guardians.

21. The guidance also reminds Local Authorities of their general duties to secure sufficient places for primary and secondary age pupils and secure that special educational provision is made for pupils with SEN, to keep these arrangements under review and have regard for the principle that children are educated in accordance with their parents' wishes. The guidance further states "LAs should be endeavouring to ensure equity and fairness across the authority". The guidance underlines the key role of the LSC and stresses the need for working with them and other local partners in assessing needs.

*Response*

The review work carried out jointly by schools, colleges, parents, County Council and LSC staff illustrates the compliance with the guidance. It has resulted in widespread recognition of the gap in provision in Oxfordshire, as identified by parents, students and staff and is illustrated by the sharp increase, at 16, in numbers having to be educated outside Oxfordshire. The suggestion that provision in special schools should reflect provision in mainstream schools i.e. offering an opportunity to stay on in school where appropriate, underscores the principles of fairness and equity set out in the guidance. The current proposals comply with the guidance set out in the DCSF document and it will be important in any detailed proposals, published as part of the legally required formal consultation ("Statutory Notices"), to ensure that parents and partners are clear about issues such as transport, funding and staffing arrangements for each school.

## **Future Collaboration**

22. The collaboration between special schools and colleges and that between LSC and County Council and between these bodies and parents and other

agencies has resulted in marked improvements for students as indicated in paragraph 6 above. The intention is that this collaboration will continue to enhance the ability of all parties to plan and deliver appropriate courses, using skilled staff, and to ensure that students receive sound advice and support in transferring to colleges or employment at the time that suits them.

### **Proposals for Each School**

23. Details of proposed age ranges and estimated numbers of students staying on together with a note on suggested capital implications are to be found at Annex 2. It is proposed that schools should receive funding via the Local Authority and at the “Planned Place “ rate, as for pre16 students, until the national funding regime changes, probably in 2009 or 2010. However there would also be an appropriate adjustment to the “over age 14” element of the pupil-led funding.

### **Financial Implications**

24. Expected changes in the national funding scheme, which are likely to result in funding following the student, make it impossible to provide a long-term reliable forecast of costs. This is compounded by the uncertainty that always surrounds changes such as these, where parents and students have increased choice. However, on evidence of projected numbers gained from schools, students and parents, the anticipated cost of provision in 2008/9 is approximately £590k, in 9/10 it is £1,130k and 10/11 it is £1,500k. The LSC has identified a one off sum of £1.3m to be made available between April 2008 and August 2009 when demand led funding will be introduced. If this money were transferred it would mean that there would be no cost to the Council during 2008 to August 2009. After that the new funding regime will apply and, moreover, statutory responsibilities will transfer from LSCs to local authorities in 2010/11. The new regime will bring funding for pupils with learning difficulties and disabilities into line with that of all other 16-19 provision.
25. The capital implications of the proposals will result from the anticipated building work required to increase capacity at schools, which is referred to in Annex 2. The initial consideration indicates a total expenditure of between £2m and £4m over the period 2008 – 2011/12 This is subject to detailed site investigations and would be viewed within the overall needs and planned developments in each school. The cost of these proposals would be prioritised with other requirements and set against the £8m Targeted Capital Fund grant allocation for 14-19 Diplomas, SEN & Disabilities in 2009/10 and 2010/11 bids.
26. The LSC has stated “...the opportunity to apply for capital funds from the LSC 16 - 19 capital fund. In the short term, where rules apply, some of the additional LSC resources could be used for improving premises/facilities.” This appears to relate to the £1.3 m already mentioned but does indicate that some funding may be available in some circumstances.
27. The full implications of anticipated legislation, which will result in a transfer of statutory responsibilities for post 16 SEN from the LSC to Local Authorities in

2010/2011, and the earlier changes to the revenue funding schemes are not known. Neither are any possibilities of changes to capital allocation responsibilities and methodology that might be linked to that. Budgetary provision to cover this expected need could be made available within the capital programme. A paper on this appears elsewhere on the Cabinet agenda.

### **Staff Implications**

28. If, as expected, post-16 student numbers increase as indicated in Annex 2, there would be a proportionate increase in school staffing over the next three years (assuming other student numbers remain static). It is expected that some colleges might see a limited reduction in the need for staff on some courses, spread over three years, during which time increased opportunities for employment might be anticipated in special schools; it is expected that colleges would take advantage of natural turnover of staff and opportunities for employment elsewhere within their workforce.

### **Next Steps**

29. If the Cabinet approves the proposed changes to school age ranges, set out in Annex 2, Formal Consultation would take place for a period of 6 weeks. This would be followed by a further report to Cabinet on 18 March 2008.

### **RECOMMENDATION**

30. **The Cabinet is RECOMMENDED to:**
- (a) approve publication of formal proposals to extend the age ranges of schools as set out in Annex 2; and**
  - (b) consider the budgetary implications of accommodating the estimated costs as set out in paragraphs 24 and 25.**

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Background papers: Oxfordshire Children and Young People's Plan:  
Review of Year One

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**Current Pupils**

Year Group	Q1		Q2		Q3		Q4			Q5	
	Choice between college and special school at 16?		Opportunity to benefit from a college course when ready to transfer?		Extend the age range beyond 16		If yes to Q3, extend the age range at your child's school to:			Your child to remain in special school post 16?	
	Yes	No	Yes	No	Yes	No	17	18	19	Yes	No
KS2 & Lower	85	0	85	0	86	1	2	19	65	83	2
7	30	0	29	0	29	0	0	14	15	28	0
8	22	1	21	2	22	1	0	3	19	21	1
9	35	1	36	0	35	1	2	6	28	31	2
10	35	0	35	0	33	2	2	7	24	30	5
11	40	0	40	0	39	1	3	12	23	36	3
12	3	0	3	0	3	0	0	1	2	3	0
13	4	0	4	0	4	0	0	1	3	4	0
Not stated	16	1	16	0	14	3	0	4	10	11	3
<b>Totals</b>	<b>270</b>	<b>3</b>	<b>269</b>	<b>2</b>	<b>265</b>	<b>9</b>	<b>9</b>	<b>67</b>	<b>189</b>	<b>247</b>	<b>16</b>

**By School**

	<b>Q1</b>		<b>Q2</b>		<b>Q3</b>		<b>Q4</b>			<b>Q5</b>	
	Choice between college and special school at 16?		Opportunity to benefit from a college course when ready to transfer?		Extend the age range beyond 16		If yes to Q3, extend the age range at your child's school to:			Your child to remain in special school post 16?	
	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>Yes</b>	<b>No</b>
Bardwell	27	0	27	0	26	1	0	3	23	22	1
Bishopswood	10	0	9	0	7	3	0	1	6	6	3
Fitzwaryn	19	0	19	0	21	0	0	6	15	20	1
Fitzharry	2	0	2	0	1	1	0	1	1	1	1
Frank Wise	37	0	36	1	37	0	2	5	30	36	0
Iffley Mead	28	1	28	1	28	1	3	14	10	25	2
John Watson	28	0	27	0	28	0	0	9	19	28	0
Mabel P	16	0	16	0	16	0	0	5	11	13	3
Northfield	5	0	5	0	5	0	1	3	1	5	0
Kingfisher	35	0	35	0	34	1	0	8	26	34	1
Springfield	37	1	38	0	37	1	1	5	31	32	3
Ormerod	1	0	1	0	1	0	0	0	1	1	0
Other	10	1	11	0	10	1	0	3	7	10	1
Woodeaton	15	0	15	0	14	0	2	4	8	14	0
<b>Totals</b>	<b>270</b>	<b>3</b>	<b>269</b>	<b>2</b>	<b>265</b>	<b>9</b>	<b>9</b>	<b>67</b>	<b>189</b>	<b>247</b>	<b>16</b>

## Ex Pupils

	Q1		Q2		Q3		Q4		
	Choice between college and special school at 16?		Opportunity to benefit from a college course when ready to transfer?		Extend the age range beyond 16		If yes to Q3, extend the age range at your child's school to:		
	Yes	No	Yes	No	Yes	No	17	18	19
Bardwell	6	1	7	0	6	1	0	1	4
Bishopswood	3	0	4	0	4	0	0	1	3
Fitzwaryn	4	1	5	0	4	1	0	3	2
Fitzharry									
LRB	0	0	0	0	0	0	0	0	0
Frank Wise	8	0	8	0	7	1	0	0	7
Iffley Mead	7	2	8	1	8	1	0	4	4
John Watson	3	0	3	0	3	0	0	0	3
Kingfisher	5	0	5	0	5	0	0	0	5
Mabel P	2	0	2	0	2	0	0	0	2
Omerod	1	0	1	0	1	0	0	0	1
Northfield	0	0	0	0	0	0	0	0	0
Springfield	5	0	5	0	4	0	1	2	1
Woodeaton	2	1	2	1	2	1	0	0	2
Other	11	0	11	0	10	1	0	1	9
<b>Totals</b>	<b>57</b>	<b>5</b>	<b>61</b>	<b>2</b>	<b>56</b>	<b>6</b>	<b>1</b>	<b>12</b>	<b>43</b>



### Estimated Numbers and Accommodation Requirements

*(Estimates assume that students will remain for 3 years (SLD/PMLD schools, and 2 years in MLD/BESD schools, however some students may transfer to college during the 2/3 years) Accommodation needs would be subject to detailed project appraisal and planning in the light of changing guidance and the overall needs of the schools. Statements below represent initial thinking at this stage.*

#### Bardwell Age range 2-19

2007/08	2008/09	2009/10	2010/11	Estimated size of group
0	2	2 + 3 = 5	2 + 3 + 1 = 6	1 group (6 to 8)

**September 2008:** Could manage with existing accommodation in the current Key Stage 4 classroom/life skills base.

**Longer term:** An extension of 1 classroom likely to be required.

Keep under review alongside the 14 – 19 developments in the Bicester area, particularly for young people from special schools who are more able and could benefit from joint school/college provision.

#### Fitzwaryn Age range 2 -19

2007/08	2008/09	2009/10	2010/11	Estimated size of group
5, probably increasing to 6	6+ 3 =9	6+3+3=12	3+3 +4 = 10	1, possibly 2 groups, (6 to 12)

**September 2008:** The temporary accommodation will be sufficient.

**September 2009:** A V1th form block will be required and is being considered as part of the current building plans.

**Frank Wise Age range 2-19**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
1	1 + 7 = 8	1 + 7 + 4 = 12	7 + 4 + 7 = 18	2 groups (16 - 18)

**September 2008:** As a temporary arrangement, until the new community media centre is fully set up, it would be possible to use two first floor rooms in the Victorian building. They will require refurbishment. This part of the school is being made fully accessible (lift) for the new community media centre, eventually all the rooms will be needed for the media centre.

**September 2009:** The school propose that as part of the hall developments a two-storey extension could be built to provide three classrooms for a sixth form centre and although this may be cost prohibitive, it is proposed to take forward a full site feasibility to consider the most appropriate and economic way in which this restricted site can be developed to provide the necessary accommodation requirements.

**Kingfisher Age range 2-19**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
1	1 + 14* = 15	1 + 14 + 3 = 18	14 + 3 + 5 = 22	2/3 groups (6 to 8)

**\*NB exceptionally large Year 11 group in 07/08**

**September 2008:** Could manage within existing accommodation as a temporary arrangement.

**Longer term:** The school would like an extension to the senior classroom to provide a common room, independent living area and a separate entrance.

**John Watson Age range 2-19**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
2+2=4	2+2+4=8	2+4+1= 7	4+1+ 5 = 10	1 group (6 to 8)

**September 2008:** Wheatley Park School has a temporary classroom next to John Watson secondary block that should be free in September. This will need some adaptation (bathroom and covered walkway).

**Longer term:** Extension required, possibly two storeys, to provide classroom and independent living space, and possibly, improved school infrastructure (staffroom and storage).

**Mable Prichard Age range 2-19**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
1	1	1+1 =2	1+1+ 3 = 5	1 group (2 - 5)

**September 2008:** Current arrangements to continue.

**September 2009:** Planning for Peers Academy includes developments for Mabel Prichard School and VIth form accommodation.

**Springfield Age range 2-19**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
2	1 + 2 =3	1+2 +4 = 6	2+4 +7 =13	2 groups (12 – 16)

**September 2008:** Could manage within existing arrangements.

**Longer term:** There is limited space at Woodgreen and lack of infrastructure for further expansion. It has been suggested that a Springfield VIth form could be considered on the college site as part of the new building developments.

**Woodeaton Manor Age range 11-18**

2007/08	2008/09	2009/10	2010/11	Estimated size of group
1	1 +8 =9	8+ 3 = 11	3 +7 = 10	9 -12

**September 2008:** There is space within existing accommodation. Refurbishment and minor alterations will be required.

**Northfield Age range 11 -18**

07/08	2008/09	2009/10	2010/11	Estimated size of group
2 (reducing to 1)	1 +3 =4	3+ 4 = 7	4 +3 = 7	4 - 7

**September 2008:** There is an area that could be designated for post 16 if refurbished. The area already has outside door access and a toilet.

**Iffley Mead Age range 11-18**

07/08	2008/09	2009/10	2010/11	Estimated size of group
1	1+11=12	11+ 7= 18	7 +8 = 15	2 groups (16 -18)

**September 2008:** Temporary classroom installed summer 2007; this includes an independent living space.

**Longer term:** A permanent separate V1th form block would probably be needed.