

CABINET MEMBER DECISION 9 DECEMBER 2016

STATUTORY PROPOSALS TO OPEN EARLY YEARS SPECIALIST LANGUAGE PROVISION IN BROMSGROVE AND WYRE FOREST DELIVERED BY BATCHLEY FIRST SCHOOL

Relevant Cabinet Member

Mr M L Bayliss

Relevant Officer

Director of Children, Families and Communities

Local Members

Mr C J Bloore

Mr N J Desmond

Mr G J Vickery

Mr R C Lunn

Recommendation

1. **The Cabinet Member with Responsibility for Children and Families (following delegation from the Leader of the Council on 29 November 2016) is requested to:**
 - (a) **approve the publication of the statutory proposal and public notice to open Early Years Specialist Language provision (to establish Special Educational Needs provision at a mainstream school) at Charford First School (Bromsgrove) and Birchen Coppice Primary School (Wyre Forest) delivered by Batchley First School (Redditch); and**
 - (b) **note that the final decision will be made by:**
 - (i) **the Director of Children, Families and Communities on proposals in respect of which no objections to the Public Notices are received; or**
 - (ii) **the Cabinet Member with Responsibility for Children and Families on proposals in respect of which objections to the Public Notices are received.**

Background

2. In November 2012, Cabinet approved a review of Specialist pre-school provision in Worcestershire including Early Years Language and Nursery Plus classes. This review agreed the needs and key priorities across the county for this provision going forward.

3. In March 2014, Cabinet approved a focus on Early Years Speech, Language and Communication provision as the needs in pre-school age children were evident as the dominant demand. Cabinet agreed to move towards countywide district provision to ensure that specialist Early Years bases are available locally for the children that require them. Cabinet agreed to commission one specialist Early Years base in each Worcestershire district (excluding Special School Nurseries and Nursery Assessment centres) with a focus primarily on Speech & Language and to be commissioned in line with the work of the Council for High Needs provision from September 2015. Early Years Specialist Language provision is for pre-school age children, with specific speech, language and communication difficulties and disorders who require specialist input.

4. In January 2015, the Council invited bids from organisations to deliver Early Years Specialist Language provision in each district. The Council did not identify preferred providers and therefore entered into negotiations with the previous service providers to continue for a period of 12 months (Sept 2015 – Aug 2016).

5. In March 2016, the Council again invited bids from organisations to deliver this provision in each district. Batchley First School was appointed as preferred provider for Redditch and Cranham Primary School appointed as preferred provider for Worcester from September 2016 to August 2019. Existing providers Sutton Park Primary School and Matchborough First School Academy notified the Council of their intention to stop delivering the service from September 2016.

6. Council officers started negotiations with tender providers to attempt to identify preferred providers for the districts of Bromsgrove, Wyre Forest, Malvern and Wychavon.

7. Two providers accepted the invitation to enter negotiations; Babcock and Batchley First School. The following summarises the proposals:

- a. Batchley First School proposal:
 - Bromsgrove and Wyre Forest
 - Same delivery model as Redditch but with lead teacher in charge
 - Issue with funding available identified.
- b. Babcock proposal:
 - Bromsgrove, Malvern and Wychavon
 - Outreach delivery model
 - Issue of terms and conditions, none negotiable for the County Council.

8. The Council was unable to consider the Babcock proposal further due to them wishing to negotiate on the General Terms and Conditions and the Service Specification. This was unacceptable as part of the invitation to be involved in Negotiated Procedure suppliers were advised that these two items were specifically non-negotiable.

9. The Batchley proposal was investigated further by Council officers and the provider. Further costings were provided and Council officers consider the proposal to meet the outcomes required are value for money and an innovative approach to delivering the service.

10. Time has been spent researching available accommodation and costings for the new provision. Batchley First School have identified available space and support from Charford First School in Bromsgrove and Birchen Coppice Primary School in Wyre Forest. Both schools are community maintained schools.

Legal, Financial and HR Implications

11. The Council has a duty to ensure sufficient early years provision for 2, 3 and 4 year olds¹ and sufficient education provision for children with Special Education Needs and Disabilities² (SEND). The Council's intention is to ensure that pre-school children with a primary Special Educational Needs (SEN) of Speech, Language and Communication can have their educational needs met by securing provision within each district of Worcestershire.

12. Any changes to provision reserved for pupils with SEND is subject to a statutory process. As yet, there is no clarity from the Department for Education whether this situation is covered by the School Organisation Regulations, therefore Council officers recommend the statutory process is completed for the avoidance of any doubt. The timeline for the statutory process is approximately 6 months including pre-publication consultation. The consultation period is no longer statutory. Council officers recommend that following the successful procurement process, the Council publish the statutory proposal and notice to open the proposed new SEND provision.

13. The Cabinet Member with Responsibility for Children and Families is therefore requested to approve the publication of the statutory proposal and public notice to establish SEN provision at a maintained school (to open Early Years Specialist Language provision at Charford First School and Birchen Coppice Primary School).

14. There is no separate budget for the Early Years Specialist Language provision/service. This provision is funded from the High Needs Block of the Dedicated Schools Grant. In addition to the place funding, providers can also claim inclusion funding and Early Years Pupil Premium for the individual children attending if eligible. The guaranteed place funding available in each district is detailed in Table 1 below.

Table 1: The High Needs funding available by district:

Districts	Forecast number of children per year	Commissioned 30 hour Places	Expected contact hours per week (24 x places)	Expected non-contact hours per week (6 x places)	Commissioned place funding / year (annual place funding x district places)	Inclusion Supplement	EYPP per attended hours (if qualify)
Bromsgrove	21	7	168	42	£61,286	Inclusion funding per attended hours depends upon individual child's Graduated Response level (£0.74, £1.44, £2.70 per hour)	0.53p per hour
Malvern Hills	13	4	96	24	£35,021		
Redditch	20	7	168	42	£61,286		
Worcester City	26	9	216	54	£78,797		
Wychavon	25	8	192	48	£70,042		
Wyre Forest	23	8	192	48	£70,042		
Totals	129	43	1032	258	£376,474	Approx. £39,869	

15. From September 2016, similar services within the districts of Redditch and Worcester have been commissioned and contracts awarded based on guaranteed annual district funding of £61,286 and £78,797 respectively, a total of £140,083. The contract terms are 3 full academic years up to August 2019.

16. The proposal to appoint Batchley First School to deliver Early Years Specialist Language provision in Bromsgrove and Wyre Forest would apportion additional unallocated High Needs Block funding. Subject to the approval requested in this report, and no objections to the opening of new provision in Bromsgrove and/or Wyre Forest, Batchley First School would be commissioned from February 2017 up to August 2019 (as per the original contract length end date) to deliver Early Years Specialist Language provision in Bromsgrove and Wyre Forest. The attached Appendix details the High Needs funding to be allocated to Early Years Specialist Language providers, including Batchley First School, from September 2016 to August 2019.

17. Batchley First School would have to recruit appropriately qualified and experienced staff in time for provision to start in February 2017. The NHS Speech and Language Therapy Service who are commissioned by the County Council to support Specialist Education provision may have to appoint additional Speech and Language Therapists and/or Assistants to support the pre-school age children referred for specialist provision in Bromsgrove and Wyre Forest for the period of service agreed.

Privacy and Public Health Impact Assessments

18. No privacy or public health implications have been identified as part of this proposal.

Equality and Diversity Implications

19. As part of the 'School Organisation (Maintained Schools) - Guidance for Decision Makers (April 2016)', any changes to provision reserved for pupils with SEN is subject to the SEN Improvement Test. The proposed alternative arrangements should lead to improvements in the standard, quality and/or range of educational provision for those children. The re-commissioning of Early Years Specialist Language provision focuses on commissioning provision within each district of Worcestershire, to support equitable access across the county. The new providers must agree to the approved service specification and are subject to regular review and monitoring from the County Council.

20. A full Equality Impact Assessment has been carried as part of this review. This identified a positive impact for pre-school age children identified with SEND. The recommended proposal would allow High Needs funding to provide suitable provision reserved for pre-school age children with SEN with Service Level Agreements in place for 3 years.

Supporting Information

- Appendix – EYSLp funding

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

Catherine Driscoll, Director of Children, Families and Communities

Tel: 01905 846303

Email: CDriscoll2@worcestershire.gov.uk

John Edwards, Strategic Commissioner Education & Skills

Tel: 01905 844914

Email: JEdwards@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Director of Children, Families and Communities) the following are the background papers relating to the subject matter of this report:

Agenda and background papers for the meeting of the Cabinet held on 6 March 2014

¹ <https://www.gov.uk/government/publications/early-education-and-childcare--2>

² <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
