

# North Tyneside Council

## Report to Director of Children's Services

**Date: 27 May 2025**

**Title: Consultation on changes to special educational needs provision in North Tyneside**

<b>Portfolio(s):</b> Education, Inclusion, Employment and Skills	<b>Cabinet Member(s):</b>	<b>Councillor Phillips</b>
<b>Report from Service Area:</b> Children's Services		
<b>Responsible Officer:</b>	<b>Mark Mirfin, Head Commissioning, Partnerships and Transformation</b> <b>Mark Taylor, Head of Commissioning – Children's and Families.</b>	<b>Tel: 0191 643 4426</b> <b>0191 643 8755</b>
<b>Wards affected:</b>	<b>All wards</b>	

### **PART 1**

#### **1.1 Executive Summary:**

**1.2** The purpose of this report is to inform the Director of Children's Services, about the responses to the pre-publication consultation on changes to special educational needs and disabilities (SEND) provision in North Tyneside to enable the Director, in consultation with the Cabinet Member for Education, Inclusion, Employment and Skills, and the Head of Law, to determine if there should be statutory consultation with schools, parents and other stakeholders on proposals to changes to SEND provision in North Tyneside.

**1.3** On 29 July 2024, Cabinet authorised the commencement of an initial pre-publication consultation in relation to the proposed change to SEND provision in North Tyneside. Cabinet also authorised the Director of Children's Services in consultation with the Cabinet Member for Education, Inclusion, Employment and Skills and the Head of Law to:

- (i) consider the responses to the pre-publication consultation and;
- (ii) to determine if there should be statutory consultation with schools, parents and other stakeholders on potential changes to Additional Resourced Provision (ARP) and special educational needs and disabilities Provision in the Borough in line with the Department for Education statutory guidance.

**1.4** The pre-publication public consultation took place throughout September 2024 and December 2024 and was carried out in accordance with Department for Education (DfE) statutory guidance and the outcome from the pre-publication consultation is set out in paragraph 1.15 and the table in 1.18 in this report.

**1.5** The findings of the pre-publication consultation have been considered, and the recommendation is to proceed to the formal stage of issuing statutory publication notices to make proposed changes to SEND provision in North Tyneside. Any final decisions will be taken by Cabinet in line with the DfE guidance on making changes to maintained schools and a report will be presented to Cabinet in September 2025.

**1.6 Recommendation(s):**

It is recommended that the Director of Children Services in consultation with the Cabinet Member for Education, Inclusion, Employment and Skills and the Head of Law:

- (1) agree that there should be statutory consultation with schools, parents and other stakeholders, in line with the Department for Education's statutory guidance on proposed changes to provision for pupils with Special Educational Needs and Disabilities and on potential changes to the provision of Additional Resourced Provision units and special education needs and disabilities in the Borough, and to take all necessary steps to commence such consultation.
- (2) agree that a further report be presented to Cabinet following the conclusion of the statutory consultation so that Cabinet can consider and determine what, if any, changes, there should be in relation the Additional Resourced Provision units and Special Educational Needs and Disabilities Provision in the Borough.

## **1.7 Forward Plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 22 November 2024.

## **1.8 Council Plan and Policy Framework**

This report relates to the following themes in the Authority's updated Our North Tyneside Plan 2021-2025:

- A family friendly North Tyneside
- A thriving North Tyneside
- A caring North Tyneside

## **1.9 Information:**

### **1.10 Current and proposed ARP, SEND Unit and Special School provision**

**1.11** The Authority and its partners, as set out in the SEND Inclusion Strategy 2021-2024, are committed to ensuring that the right provision is available for children and young people with SEND at the right time. The commitment made in the Authority's Safety Valve Agreement with the DfE is to expand the range of ARP and SEND unit provision in the Borough. Specifically, as part of that commitment, by January 2028, there will be an increase in the total places across primary and secondary phases by an additional 114. This is a key part of developing the wider system of SEND placements, to better reflect the changing needs of the cohort of children with SEND.

**1.12** The changes to ARP and SEND unit provision will focus on increasing capacity for children with social, emotional and mental health (SEMH) needs, speech, language and communication needs (SLCN), and those with autism. (This will include changes to some ARP designations from moderate learning difficulties (MLD) to SLCN).

**1.13** On 29<sup>th</sup> July 2024 Cabinet agreed for the pre-publication (non-statutory) consultation phase to take place. The findings of this stage of consultation can be found in paragraph 1.15 of this report and further detail found in the table at paragraph 1.18 in this report. The findings of the pre-publication consultation have been considered, and the recommendation to the Director is to proceed to the formal stage of issuing statutory publication notices to make

proposed changes to maintained schools. The request is for five statutory notices to be made, are shown in the table below.

<b>Locality</b>	<b>School</b>	<b>Designation of ARP/ SEN unit</b>	<b>ARP or SEN Unit</b>	<b>Statutory notice request</b>
<b>South East</b>	<b>Percy Main Primary School</b>	Nurture (SEMH)	ARP	To establish a 12 place ARP.
<b>South East</b>	<b>Norham High School</b>	Language and Communication	SEND Unit	To change from an ARP to an SEND unit, and increase places to 40.
<b>South East</b>	<b>Norham High School</b>	EDEN Centre (SEMH provision)	SEND Unit	To establish a SEMH SEND unit with a maximum of 24 places.
<b>South East</b>	<b>Waterville Primary School</b>	Language and Communication	SEND Unit	To establish a 12 place SEND unit.
<b>North East</b>	<b>Whitley Lodge First School</b>	Moderate Learning Difficulties	ARP	To de commission the ARP.

**1.14** In addition to the ARPs and SEND units, the Authority has also consulted on plans to extend the specialist provision of Silverdale School, for children with social, emotional and mental health (SEMH) needs. This will focus on extending the school's primary provision to take account of existing commissioned primary places in the school. Subject to Cabinet's agreement, consultation on the proposed changes will include whether to amend the primary age range designation of the school. The outcome of the pre-publication consultation was positive, with no concerns or issues raised. The recommendation is therefore to proceed to the next phase, which is statutory consultation to extend the age range of Silverdale school from Reception to Year 11. Any final decisions will be taken by Cabinet, in line with the DfE guidance on making changes to maintained schools.

**1.15** The five schools and their governing bodies have completed the pre-publication consultation throughout September 2024 and December 2024. The consultation took place through a variety of communication methods

including letters, emails, and updates on their websites. This was to inform their parent and carers, staff, and children and young people of the proposed changes to the provision within their schools, and to give them the opportunity to provide comments. There was one comment received from a parent at Whitley Lodge First school about the decommissioning of their ARP. This comment was responded to by the board of governors at the school. The other schools did not receive any comments, only words of support and encouragement to make such changes.

#### **1.16 Decision options:**

The following decision options are available for consideration by the Director of Children's Services.

##### Option 1

Agree the recommendations in paragraph 1.6 of this report.

##### Option 2

Reject the recommendation in paragraph 1.6 of this report.

Option 1 is the recommended option.

#### **1.17 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

- consultation on changes to SEND provision will allow schools, families and partner agencies to express their views on the change proposals. The aim is to ensure that children and young people have access to additional SEND provision that is high quality, inclusive and sustainable;
- at a cohort level, the expansion and development of ARPs, SEND units and specialist provision will ensure that the changing needs of children with SLCN, ASC, and SEMH are met;
- there will be greater consistency in access, oversight, and quality monitoring of the ARPs and SEND units, and effective progression pathways through each key stage and into post-16 provision; and
- agreeing to the statutory consultation is in line with the ambition and delivery plans of the SEND Inclusion Strategy 2021-2024 and the Authority's

Safety Valve programme. The safety valve programme is a series of agreements between the Department for Education (DfE) and Local Authority, agreeing that the DfE will support the Local Authority that have over-spent their high needs budgets.

## 1.18 Table 1

Proposed changes and new ARPs/ SEN units in North Tyneside

<b>Locality</b>	<b>School</b>	<b>Designation of ARP</b>	<b>ARP or SEN Unit</b>	<b>Funded places Sept 24</b>	<b>Proposed Plans for 2025</b>	<b>Pre-Publication consultation status</b>	<b>Outcome from the pre- publication consultation</b>
<b>South East</b>	<b>Percy Main Primary School</b>	Nurture (SEMH)	ARP	0	To open a new 12 place ARP for January 2025.	Pre-Publication consultation completed	No concerns/ issues raised.
<b>South East</b>	<b>Norham High School</b>	Language and Communication	SEN Unit	35	To formally change from an ARP to an SEN unit, and increase places to 40.	Pre-Publication consultation completed.	No concerns/ issues raised.
<b>South East</b>	<b>Norham High School</b>	EDEN Centre (SEMH provision)	SEN Unit	12	To formally establish a SEMH SEN unit with a maximum of 24 places.	Pre-Publication consultation completed.	No concerns/ issues raised.
<b>South East</b>	<b>Waterville Primary School</b>	Language and Communication	SEN Unit	0	To open a new 12 place SEN unit for September 2025.	Pre- Publication consultation completed with staff and	No concerns/ issues raised so far.

						governors. The consultation with parent carers is ongoing.	
<b>North East</b>	<b>Whitley Lodge First School</b>	Moderate Learning Difficulties	ARP	5	ARP to be de commissioned (tbc from 1st April 2025)	Pre-Publication consultation completed	Concerns raised by one parent, which was addressed by the school governors.



## **Contact officers:**

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Mark Taylor, Head of Commissioning Families and Childrens, 0191 643 8755

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Kirsty Williams, Commissioning Manager, 0191 643 1606

## **1.19 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [Consultation changes to Special Education Needs provision cabinet report.pdf](#)
- (2) [Ambition for Education Strategy 2024-2028](#)
- (3) [Making significant changes \('prescribed alterations'\) to maintained schools](#) (Department for Education) January 2023
- (4) Consultation on change to SEN provision Equality Impact Assessment
- (5) [Consultation on changes to the Special Education Needs provision in North Tyneside](#)  PDF 61 KB
- (6) [North Tyneside Safety Valve Agreement 2022- 2023](#)
- (7) [Send Inclusion Strategy 2021-2024](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications from this report. Any future proposals as a result of national policy or local decisions that have financial implications will be brought to Cabinet as appropriate. Any financial implications will be

subject to the Authority's Safety Valve agreement with the DfE as part of a sustainable plan for the High Needs Block of the Dedicated Schools Grant.

## **2.2 Legal**

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the statutory process that the Authority must follow when establishing, removing or altering special educational needs provision at a mainstream school. The Regulations also make it clear that the Authority should adhere to the statutory guidance published by the DfE "Making significant changes ('prescribed alterations') to maintained schools".

The Authority must ensure that the legislation is adhered to, and that the statutory Guidance is followed so far as possible. If the Guidance is departed from then cogent reasons for doing so must be given.

There will also be a requirement to have regard to the public sector equality duty contained in section 149 of the Equality Act 2010 as and when decisions are taken by the Authority.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

Children's Services Senior Management Team and the Lead Cabinet Member have been consulted.

### **2.3.2 External Consultation/Engagement**

Headteachers have been consulted as part of the Safety Valve programme via engagement events and surveys and as part of the ARP Steering Group. Initial consultation has taken place alongside the North Tyneside Parent Carer Forum with parents and carers. Initial consultation has also taken place with children and young people.

## **2.4 Human rights**

There are no human rights issues arising directly from this report.

If there are changes made to the provision of special educational needs provision in the Borough, then regard must be had to a person's right to

education in accordance with Article 2 of the First Protocol of the Human Rights Act 1998.

## **2.5 Equalities and diversity**

An Equality Impact Assessment has been undertaken and the consultation will be accessible for all, including those with protected characteristics, through support from the engagement team, and North Tyneside's Parent Carer Forum. The consultation will be available in a variety of communication methods. The Authority will ensure that any consultation is undertaken having regard to the public sector equality duty placed on the Authority under the Equality Act 2010 and the need to ensure that those with a protected characteristic can be part of the consultation process.

Any future decisions taken must also have regard to this duty and equality impact assessments will be undertaken and updated as part of change/ project planning/ development.

## **2.6 Risk management**

A risk of not gaining agreement to commence the pre-publication consultation is that the Authority will not achieve the ambitions of the Safety Valve programme and will not be able to provide sufficient SEND placements in schools.

## **2.7 Crime and disorder**

There are no crime and disorder issues arising directly from this report.

## **2.8 Environment and sustainability**

There are no environment and sustainability issues arising directly from this report.

### **PART 3 – SIGN OFF**

- Interim Chief Executive ☐ X
- Mayor/Cabinet Member(s) ☐ X
- Chief Finance Officer ☐ X
- Monitoring Officer ☐ X
- Interim Director  
Corporate Strategy  
and Customer Service ☐ X