

Notice of Call-In of an Executive Key Decision

In accordance with Rule OS36 of the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following key decision:

1. **Decision** Improving Special Educational Needs and Disability (SEND) Provision in Derby
2. **Meeting at which the decision was made** Council Cabinet
3. **Date of Meeting** 10/10/18

We believe that the following principles of decision making have been breached by the making of this decision (tick relevant boxes):

- a) Proportionality (i.e. the action must be proportionate to the desired outcome) ☐
- b) Due consultation and the taking of professional advice from officers ☐
- c) Respect for human rights ☒
- d) A presumption in favour of openness ☐
- e) Clarity of aims and desired outcomes ☐
- f) A record of what options were considered and giving the reasons for the decision ☒

and/or that relevant issues do not appear to have been taken into consideration ☒

We believe these principles have been breached for the following reasons:

Principle	Reasons why breached
a. Proportionality	
b. Due consultation and the taking of professional advice from officers	
c. Respect for human rights	<p>There is a lack of regard for the human rights of children under the age of four. At every key stage of education across Derby there are formal arrangements in place to commission Enhanced Resource or Special School places for children and young people.</p> <p>This decision effectively removes the right of formalised, supported education for children at Early Years in a formal way. The Human Rights Act 1998 outlines the qualified rights that people can expect. Part II The First Protocol Article 2 details the <i>Right to education</i>. We argue that decommissioning the places at Early Years stage denies the right to education of those young people who may require that additional support at the earliest stage of their education.</p>
d. A presumption in favour of openness	
e. Clarity of aims and desired outcomes	

f. A record of what options were considered and giving the reasons for the decision

and/or that relevant issues do not appear to have been taken into consideration

At 5.1 in the report at 'Other Options Considered' there are no alternative proposals made and no explanation as to what, if any, alternatives had been considered and the reasons these were discounted.

One key consideration that forms the cornerstone of the reasons for the recommendations in the report is the relatively recent introduction of the national SEND reforms. In the report at 1.2 it is stated: *'It is important to note that, under the SEND Code of Practice, every school is required to identify and address the need of pupils that they support.'*; we argue that the decommissioning of places at Central and Lord Street Nurseries will have the exact opposite effect; these settings will find it increasingly difficult to identify or address the needs of children at Early Years with no directly commissioned Enhanced Resource places for pupils with SEND.

A number of detailed proposals were put to council cabinet for consideration in order to safeguard the educational provision for young people at Early Years Stage.

Each of these recommendations (relating to Early Years provision) were rejected by council cabinet:

- *should not decommission enhanced*

resource places at Central and Lord Street nurseries, but should instead formalise the commissioning of those places to ensure SEND support if available at early years;

- *should ensure there is an assessment unit to lead and inform early years intervention;*
- *should ensure clarity of pupil pathways from early years to primary places;*
- *should increase resource and provide funding for Central and Lord Street nurseries to enable them to become centres of excellence that can provide support for other settings, to promote inclusion*

The decision to reject the recommendation regarding the clarity of pupil pathways is of particular concern. One of the key proposals in the report at 1.5 of the summary states: '*To establish pupil pathways for Enhanced Resource*'. By decommissioning these places at Early Years stage it becomes increasingly difficult for parents, who may have identified a SEND need early, from understanding which educational setting may be able to support their child best. This pathway between Early and Primary phase is very unclear, whilst at every other key stage effort has been made to make these pathways clear.

One final issue which appears to have had little consideration is that of early intervention. It is widely accepted by educational professionals that early intervention in providing support to pupils with SEND offers them greater life chances and, improves their educational outcomes and means it's possible to avoid more intense and costly support in later life. We argue that the decommissioning of the places at Early Years damages the life chances of young people with SEND and possibly give rise the children requiring more intense additional support provided by the council in later life.

1. Signed fareed hussain

Name FAREED HUSSAIN

2. Signed 

Name JOANNA WEST

3. Signed unpeasified

Name Nadine Peatfield

