

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children, Adults, Health & Wellbeing Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	12 th May 2025	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Update – placement of young people at Fosse Way House residential provision	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: <ul style="list-style-type: none"> 1) A summary of case law regarding to 24 hour / waking day curriculum 2) Equalities Impact Assessment 		

1 THE ISSUE

- 1.1 This report provides an update to the panel regarding placement of young people at Fosse Way House residential provision at Fosse Way Special School in Radstock.

2 RECOMMENDATION

The Panel / Committee is asked to;

- 2.1 This report is an update and is for information purposes.
- 2.2 Be assured that Local Authority Officers continue to work strategically with social care, health, schools and other partners to work within statutory guidelines and support schools and other settings in delivering the very best outcomes for our children and young people.

3 THE REPORT

- 3.1 Early in this academic year we informed The Partnership Trust that we were unlikely to need to commission places at Fosse Way House for the following year, starting in September 2025. This was not due to budget pressures but because no new B&NES children have been identified whose Education Health and Care Plans indicate that they have specific educational needs requiring a curriculum outside of school hours, also known as a 24-hour curriculum or waking day curriculum.
- 3.2 A 24-hour curriculum not only extends beyond the school day, but into waking hours for the child or young person. This can mean curriculum delivered through the night as required. This is often because long breaks in the school day are required, for example for medical reasons. Whilst in the past the school may have described their cohorts' needs in this manner, they were describing learning that takes place outside of school hours, including skills for independence and social skills.
- 3.3 The Statutory SEND team reviewed the Education elements of plans (section F) for children and young people at Fosse Way house, and consideration was given as to whether this provision could be offered during the school day. In all cases, the provision could be incorporated into a day curriculum and so the residential element of the placement was not required to meet this educational need. It is that Council's view that independence skills can usually be taught during the school day, and through extracurricular activities, as they are at other special schools. This is always reviewed on a case-by-case basis and individual needs are always taken into account.
- 3.4 Only pupils on roll at Fosse Way School are eligible to attend its residential provision and when a child is placed in Fosse Way House, it is with the clear understanding that it is for one academic year. The children currently placed there will be able to complete this year-long placement.
- 3.5 The LA have not received any requests for mediation to resolve disagreement or dispute, or requests for tribunal resolution from families following this decision.
- 3.6 We are committed to working collaboratively with our families to meet the educational needs of young people. Where there are additional social care needs, we continue to ensure the relevant referrals are made to our colleagues in social care who are best placed to make decisions on how these needs are met.

4 STATUTORY CONSIDERATIONS

- 4.1 The Local Authority continues to work within the SEND Code of Practice and associated case law, as summarised in the attached document.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 Placement decisions at Fosse Way House are based on the educational needs of young people as outlined in their EHCP. The decision not to place young people at Fosse Way House has a coincidental cost saving which did not form part of the decision-making process.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

7 EQUALITIES

- 7.1 The needs of young people with special educational needs, as detailed in section B of their plans, continue to be met through the provision outlined in their plans in section F.
- 7.2 Please review the attached EIA for further details.

8 CLIMATE CHANGE

- 8.1 There is no climate change impact.

9 OTHER OPTIONS CONSIDERED

- 9.1 We have been working with The Partnership Trust over the last couple of years to explore alternative models of operating that could open the provision at Fosse Way House to a wider cohort of pupils, such as those eligible for short breaks. Unfortunately, The Partnership Trust were unable to find a solution that would meet Ofsted and CQC regulations.
- 9.2 We met with The Partnership Trust last October to give them advance notice that we did not expect to have need of any places for this September. This would not prevent them offering places to other local authorities who have children placed at Fosse Way School.
- 9.3 Fosse Way House is not a council-run facility and decisions about its future are ultimately matters for The Partnership Trust, whose work we value.

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Background papers	<i>None</i>
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