

## **Rotherham Schools' Forum**

**Venue: Rockingham Professional Development Centre**     **Date: Friday 23 June 2023**

**Time: 8.30 a.m.**

### **A G E N D A**

1. Welcome and Introductions

Welcome by the Chair and introductions by all Forum Members present.

2. Apologies for Absence

To receive apologies from any Forum Member who are unable to attend the meeting.

3. Declarations of Interest

To invite Forum Members to declare any interests they may have on agenda items to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

4. Minutes of the Previous Meeting (Pages 3 - 9)

Recommendation:- To receive and approve the minutes of the previous meeting held on Friday, 28<sup>th</sup> April, 2023.

5. Matters Arising from Previous Minutes

To consider and report on any matters arising from the previous minutes:-

6. Membership and Constitution of the Rotherham Schools Forum (Standing Item)

To consider any updates or amendments to the membership of the Schools Forum.

7. 2022/23 Outturn and 2023/24 Funding (Pages 11 - 15)

Louise Keith/Vera Njegic to report.

Recommendation:- (1) To receive the report and note the contents.

(2) To note the centrally retained early years balance is subject to change as this will be dependant on the Early Years adjustment for the Spring 2023 census count. Within the figures, an anticipated increase of £31.5k has been accounted for.

8. SEND Sufficiency Phase 4 (Reports as presented to Cabinet on 19th June, 2023) (Pages 17 - 34)

Nathan Heath to report.

Recommendation:- To receive the reports as presented to Cabinet and note the contents.

9. Safety Valve Update

Nathan Heath to report.

Recommendation:- To receive the report and note the contents.

10. Teachers NJC Pay Award and APTC Pay Award (Deferred from previous meeting) (Pages 35 - 38)

Amy Leech/Helen Rowe to report.

Recommendation:- To receive the report and note the contents.

11. Any Other Business

Recommendation:- To receive any other items of urgent business.

12. Date of Next Meeting

Recommendation:- To consider and agree the date and time of the next meeting of the Rotherham Schools' Forum on Friday, 22<sup>nd</sup> September, 2023 at 8.30 a.m. at Rockingham PDC.

**ROTHERHAM SCHOOLS' FORUM  
FRIDAY 28 APRIL 2023**

**In Attendance:-**

Steve Rhodes – Winterhill (Academy) (in the Chair)  
 Deborah Ball - Treeton Primary (Primary Academy)  
 Lianne Camaish, Aspire  
 Guiseppe DiLasio – Wales (Academy)  
 Chris Eccles – Oakwood (Academy)  
 Lynsey Hadfield – Executive Head, Arnold Nursery (Observer)  
 Neil Hardwick – Head of Finance, CYPS  
 Nathan Heath – Assistant Director of Education, CYPS  
 David Horrigan – Maltby Learning Trust (Primary Academy)  
 Louise Keith – Principal Officer, CYPS  
 Kirsty Peart - Sitwell Infant (Maintained)  
 Colin Price – NEU Representative  
 Steve Scott – Happy Kids (PVI Nursery)  
 Karen Smith – Nexus MAT (Special Academy)  
 Sharon Stones – Head of Arnold Nursery and Children's Centre  
 Nevine Towers – Diocese of Sheffield  
 Pam Ward – Head of Service, Education, CYPS  
 Nathan Williams – Roughwood Primary (Primary Academy)  
 Mark Windle – Badsley Primary (Primary Maintained)

**Apologies were received from:-**

Aileen Chambers, Head of Early Years and Childcare, CYPS  
 Kelly Crompton, CYPS, RMBC  
 Councillor Victoria Cusworth – Cabinet Member for CYPS  
 Julie Day, Head of SEND, CYPS  
 Dr. Spira Deb (PVI Nursery)  
 Andy Krabbendam – CEO JMAT (Academy)  
 Angela McComb – Primary Maintained Governor  
 Alan Richards – Secondary Governor

**105. WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to today's meeting and introductions were made.

**106. DECLARATIONS OF INTEREST**

There were no Declarations of Interest reported.

**107. MINUTES OF THE PREVIOUS MEETINGS HELD ON 13TH JANUARY AND 24TH FEBRUARY, 2023**

Consideration was given to the minutes from the previous meetings held on 13<sup>th</sup> January and 24<sup>th</sup> February, 2023.

**Agreed:-** That the minutes be approved.

**108. MATTERS ARISING FROM PREVIOUS MINUTES**

There were no matters arising.

**109. MEMBERSHIP AND CONSTITUTION OF THE ROTHERHAM SCHOOLS FORUM**

Consideration was given to the membership and constitution of the Schools Forum and the suggested changes for approval.

**Agreed:-** (1) That Nevine Towers move from being a Diocese Representative to a Primary Academy Representative (filling a vacancy) and that a nomination be sought for a further Diocese Representative.

(2) That Paul Wilkinson, Chief Finance Officer – ACET, replace Dominic Curran as Secondary Academy Representative.

(3) That resignations be received from David Naisbitt (Secondary Academy Representative) and Rachael Booth (Special School Representative).

**110. EARLY YEARS - OVERVIEW OF GOVERNMENT ANNOUNCEMENT**

Consideration was given to the report presented by Neil Hardwick which detailed the changes proposed in the recent Budget announcement by the Government in relation to Early Years. This included:-

- An extension of the free 30 hour childcare offer.
- An increase in the early education hourly rate.
- A change to the staff:child ratio for 2 year olds.
- Funding to develop 'wraparound' care.
- Incentive payments to new Childminders.

It was also noted that parents who worked more than sixteen hours a week and earned less than £100,000 were entitled to thirty hours of free childcare a week for children aged three to four. In Rotherham this equated to 2,899 children in the Summer term and currently 70% of eligible families were taking up this entitlement.

The entitlement was also being expanded, as detailed in the report, and would be staggered to give childcare providers time to prepare for the changes, ensuring there were enough providers ready to meet demand. The Early Years and Childcare Service was currently carrying out an initial analysis of potential demand as well as a full childcare sufficiency analysis over the summer term.

A number of working parents were currently paying for childcare for children from nine months to two years. To enable providers to operate sustainably, the rate they charged was higher than the early education funding rate. Sustainability would, therefore, be impacted if the proposed increase for September 2023 was not in line with or higher than the current chargeable rates.

The Forum acknowledged that whilst the changes were frustrating it was recognised and analysis would take place in order to align provision and provide clarity longer term.

The changes were, therefore, highlighted to the Forum as the sector would need to expand to meet potential demand.

**Agreed:-** (1) That the report be received and the contents noted.

(2) That an update report be presented to the Schools Forum when the funding rates have been announced and the interim sufficiency analysis was complete.

## 111. EXCLUSIONS REPORT

Consideration was given to a presentation provided by Nathan Heath (circulated with the agenda papers) which provided a regional and national context on rapidly rising numbers of Exclusions.

The presentation highlighted:-

- Nationally permanent exclusion and suspensions have increased compared to autumn term 2021:-
  - Secondary increase by 16%
  - Primary increase by 70%
  - Special increase by 41%
- Suspensions trend 2016 – 2023
- Permanent Exclusion trend 2016 – 2023.
- Suspensions monthly trend.
- Permanent Exclusion monthly trend.
- Permanent Exclusion Data Autumn Term Comparative.
- Permanent Exclusion Data Spring Term Comparative.
- Early Years and Primary:-
  - Primary Outreach

- LEAF turn around provision developed– SEMH
  - Additional 10 place resource base (EHCP) SLA provision SEMH x2
  - Additional 10 place resource base (EHCP) SLA provision ASD x2
  - Development of family support pilot in KS1
  - Increase in specialist SEMH places for pupils with EHCP
  - Investment in inclusion support grant.
- Secondary:-
    - Secondary Outreach and enhanced transition outreach.
    - Additional resource base provisions KS3/4 (EHCP) SEMH/ASD with SLA x2 for each need type.
    - Aspire dual registration places (in line with recommendations from DfE) as proactive time specific support.
    - Funded early entry college places KS4 from Aspire where appropriate.
    - AP setting professionals to support directly on school sites with small groups low level, persistent behaviour pupils regularly accessing internal exclusion bases.
    - Consideration of AP post 16 offer for Rotherham.
    - Local, written agreement from headteachers for first instance Permanent Excluded pupils to be presented at 'immediate SFAP' to give opportunity of place at a local mainstream upon first Permanent Exclusion, prior to Day 6.
    - Enhancement of managed moves to avoid Permanent Exclusion.
    - Work with Ofsted and DfE to understand differing levels of the use of school exclusion across all schools in the borough.
  - Area Wide:-
    - All school level exclusion data to be shared with Schools Forum.
    - Data pack shared with High Needs sub group for view.
    - DfE SEND Improvement plan enhances the role of AP and drives the need for system ownership.
    - Relationship between SEND, Vulnerability, and school exclusion.
    - Continued development of outreach across all areas of SEND.
    - Extend role of the virtual school.

Forum Members welcomed the information and in receiving the content highlighted the challenges being faced.

Discussion ensued about locally agreed managed moves and alternative options. Whilst there was no statutory requirement for a collaborative agreement the offers amongst schools was disproportionate. Clear written agreements needed to be in place in relation to managed moves,

places becoming permanent, funding arrangements and opportunities to use Fair Access with recurrent challenges.

Concern was also expressed about the Local Authority's capacity to support primary excluded children, which was increasing with behaviour becoming more challenging and more so post-pandemic.

Whilst it was acknowledged the Green Paper would alleviate some difficulties, challenges would remain for some permanently excluded children returning to mainstream education. Significant challenges had been identified with growth of children permanently excluded in Key Stage 3.

The pandemic had masked some of the issues being faced, but consideration needed to be given to the Key Stage 3 offer for permanently excluded children's onward destinations.

Discussion ensued on the bulge years through Key Stage 3 and the vigilance required through Early Years into Key Stage 1 aligning to practice and consistency of decisions. Provision needed to be shaped with clearer analysis of challenges meetings the needs of students through primary years into secondary.

As part of the Improvement Plan and direction of travel there needed to be a collective understanding and a moral accountability position to sustain provision with inclusion of wider services for attendance pathways.

The Local Authority did meet with the Department for Education on a regular basis and discussion did take place about inclusion/exclusion services.

More detailed analysis should, therefore, also take place of the data that was available to look how information was triangulated and children's journeys mapped. This would be included for consideration by the High Needs Sub-Group to look at systemic changes and any relevant case studies.

**Agreed:-** (1) That the presentation be received and the contents noted.

(2) That an update be provided to a future meeting on the Fair Access Protocol.

(3) That exclusion data be included for consideration by the High Needs Sub-Group.

## 112. UPDATE ON SCHEME FOR FINANCING SCHOOLS

Consideration was given to the report by Neil Hardwick, Head of Schools Finance, which built upon previous reports setting out the main amendments to the Scheme for Financing Schools to bring in line with

the DfE's latest version, updated as of 31st March, 2023.

**Agreed:-** (1) That the report be received and the updates to the Scheme for Financing Schools sections highlighted in yellow be noted.

(2) That the DfE's latest version, updated 31 March 2023 be noted.

(3) That the Updated Scheme for Financing Schools be disseminated to schools.

**113. UPDATE ON HIGH NEEDS BLOCK (HNB) OPERATIONAL GUIDANCE 2022/2023**

Consideration was given to the report presented by Neil Hardwick, Head of Schools Finance, which set out the main update to the 2023/24 High Needs Operational Guidance and proposed recommendations to ensure compliance and financial sustainability.

There were changes to the 2023 to 2024 high needs funding system with the NFF and underpinning operational processes and principles remaining largely unchanged from 2022 to 2023. The ESFA had also clarified certain aspects of the guidance and the relevant updates since the August 2022 publication.

**Agreed:-** (1) That the update to the 2023/2024 High Needs Operational Guidance be received and noted.

(2) That the guidance update and 2023-2024 funding allocations be noted.

**114. SAFETY VALVE**

Further to Minute No. 95 of the meeting of the Schools Forum held on 13<sup>th</sup> January, 2023 consideration was given to an update from Nathan Heath, Assistant Director for Education, on the High Needs Safety Valve arrangements aligned to the Local Authority's trajectory.

An update had been provided for the Cabinet at its meeting on the 24<sup>th</sup> April, 2023 where it was confirmed that regular monitoring had taken place with meetings between DfE and the Council on a quarterly basis to both support delivery and hold accountability of the Agreement. Further updates would be provided in due course.

This support and challenge process also allowed emerging challenges to be shared and a vigorous oversight of plans to be undertaken. Rotherham had remained on track to deliver all aspects of its 'Safety Valve' agreement across this financial year.

The Dedicated Schools Grant deficit position would have moved from a position of £12.84m at the end of 2021/2022 to a forecast outturn position of £6.49m at the end of 2022/2023 and an update on the current financial



position was provided.

The High Needs Sub-Group would continue to receive regular and detailed updates in relation to the 'Safety Valve Agreement'.

**Agreed:-** That the update be received and the contents noted.

**115. UPDATE FROM HIGH NEEDS SUB-GROUP INCLUDING NOTIONAL SEN**

Consideration was given to an update by Nathan Heath, Assistant Director for Education, on the discussions arising from the High Needs Sub-Group, much of which remained confidential due to the content of the information shared about the Safety Valve Arrangements.

Details of the discussions were outlined.

Future agenda items would look at activity that supported wider contexts.

**Agreed:-** That the update be received and the contents noted.

**116. TEACHERS AND NJC PAY AWARDS**

This item was deferred to the next meeting.

**117. ANY OTHER BUSINESS**

There were no other items of business to report.

**118. DATE OF NEXT MEETING**

**Agreed:-** That the next meeting of the Schools' Forum take place on Friday, 23<sup>rd</sup> June, 2023 at 8.30 a.m. at Rockingham Professional Development Centre.

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<b>REPORT FOR SCHOOLS FORUM</b>
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<b>1.</b>	<b>Date of meeting:</b>	<b>23<sup>rd</sup> June 2023</b>
<b>2.</b>	<b>Title:</b>	<b>Dedicated Schools Grant – 2022/23 Outturn &amp; 2023/24 Funding</b>
<b>3.</b>	<b>Directorate:</b>	<b>Finance and Customer Services</b>

**1. PURPOSE OF REPORT**

- 1.1 To inform members of the Schools' Forum as to the 2022/23 outturn position of the dedicated schools grant (DSG).
- 1.2 In addition, to provide summary details to maintained members of Schools Forum as to the surplus/deficit balances of the maintained schools within Rotherham.
- 1.3 To provide details of academy trust revenue reserves as published on the Department for Education website in April for the 2021/22 academic year.
- 1.4 The report outlines the national picture on the High Needs Block as part the overall Dedicated Schools Grant and the additional funding the government is investing in education in the next two years as part of its spending review.
- 1.5 To highlight that the DSG now includes the Schools Supplementary Grant which was introduced as a separate grant allocation but has now been included within the DSG Schools Block, with schools receiving their funding within their individual DSG allocation.
- 1.6 To inform members of the additional funding allocated to mainstream schools through the mainstream schools additional grant (MSAG)

**2. RECOMMENDATION(S)**

- 2.1 That Schools Forum members note the information contained within this report.
- 2.2 That Schools Forum members note that the centrally retained early years balance is subject to change as this will be dependant on the early years adjustment for the Spring 2023 census count. Within the figures, an anticipated increase of £31.5k has been accounted for.

**3. REASON FOR RECOMMENDATION(S)**

- 3.1 To ensure that Schools Forum members are kept informed of the DSG position within Rotherham.
- 3.2 Furthermore, that maintained members of the Forum are kept abreast of the surplus/deficit balances across both maintained schools and academy trusts within Rotherham.
- 3.3 To ensure that Schools Forum members are kept informed of the reserve position within Rotherham.

## 4. BACKGROUND INFORMATION & CONTEXT

### 4.1 Context

In 2022/23 the final allocation of DSG for Rotherham was £90.953m. This amount is net of academy recoupment for the 95 academies within Rotherham at a total of £195.348m.

It should be noted that the 2022/23 accounts also include the 2021-22 early years adjustment from the January 2022 census of £17k which authorities were notified of in summer 2022 (after the 2021/22 statement of accounts had been compiled).

Schools Forum members should note that the DSG note to the accounts (see attached) was updated to include this.

As in previous years the local authority has yet to be notified of the final early years adjustment for 2022/23 (based on the January 2023 census). The government usually advised local authorities of this adjustment in July. The local authority has modelled the census data provided to the government and are anticipating an increase of £31.5k. This has been included with the 2022/23 accounts.

### 4.2 Centrally retained balance

The DSG central reserve deficit balance brought forward to 2022/23 was £12.84m.

During 2021/22 Rotherham was approved to enter the DfE's Safety Valve programme and received funding of £8.53m, reducing the DSG Centre Reserve deficit to £12.84m at the end of 2021/22. Rotherham's planned safety valve funding was increased from £3m to £6m at the end of 2022/23. The reprofiling of the safety valve funding, alongside an underspend on the High Needs Block of £724k and underspends on falling rolls and growth funding has reduced the DSG Central Reserve deficit to £5.9m. Rotherham will continue to receive safety valve funding at £2m for the next 3 years.

It should be noted, as outlined elsewhere in the report, that the local authority has modelled the impact of the January 2023 early years census data and are expecting a reduction increase in funding of £31.5k. This has been taken into consideration in the production of the 2022/23 final accounts. The actual adjustment will be known in summer 2023.

The £75k anticipated increase in funding is made up of following by an estimated increase of £3k 3 & 4 year olds, £32k for 2 year olds and £13k Early Years Pupil premium offset by estimated clawback of 6K for Nursery Supplement funding.

#### ***High Needs Block Element***

The planned underspend of £533k as budgeted in the management plan was achieved and transferred to DSG central reserves alongside an additional £193k in underspend from within the High Needs Block. Pressures still remain in the High Needs Block as a result of a number of factors; an overall increase in Education Health and Care Plans, an increase in the number of young people aged 16 to 25 with an EHCP who are now the responsibility of the LA to fund, an increase in the number of children accessing higher cost provision and an increase in the number of pupils in Alternative Provisions (Pupil Referral Units).

These pressures reflect system wide issues in how the funding is determined. Whilst the allocation moved to a formulaic basis in 2018/19 and now includes proxy indicators of SEND within the population, a large element of the grant remains fixed based on historic spend.

In 2022/23 Rotherham was successful in submitting a disapplication request to the Secretary of State to transfer 1.5% of the DSG Schools Block allocation (£3.275m) to the High Needs Block. The transfer is for one year only and to continue with the transfer of funding a new application is required each financial year.

## 2023/24 & Future Years

The 2022 Autumn Statement announced that the core schools' budget would increase by £2 billion in the 2023 to 2024 financial year, over and above totals announced at the Spending Review 2021.

For 2023-2024 the Schools Supplementary Grant has been rolled into the Dedicated Schools Grant DSG providing an increase in DSG National Funding Formula (NFF). This has been reflected in the new NFF values for basic entitlement, FSM5 and the lump sum.

In addition to schools' allocations through the schools national funding formula, mainstream schools will be allocated additional funding through the mainstream schools' additional grant (**MSAG**). The ESFA has indicated that the funding will be incorporated into core budget allocations for 2024 to 2025.

2023-24 and 2022-23 Pupil Premium rates are as follows:

Eligibility	2023-24	2022-23
FSM (Ever 6) Primary	£1,455	£1,385
FSM (Ever 6) Secondary	£1,035	£985
Pupils previously looked after	£2,530	£2,410
Service children	£335	£320

## 5. Individual School Budgets

5.1 As set out within the Rotherham Scheme for Financing Schools, individual schools are permitted to carry forward balances to be spent or replenished in subsequent financial years. In total, the carry forward on individual school budgets (listed below) is an overall combined surplus of £2.981m.

Value of Balance	Number of Schools	% of Total Number of Schools	Combined Value of Balance
Deficit Balance	1	4%	-10,838
Surplus £1,001 - £50,000	10	37%	342,856
Surplus £50,001 - £100,000	7	26%	561,190
Surplus £101,001 - £250,000	5	19%	794,597
Surplus £250,001 +	4	15%	1,293,297
<b>Total</b>	<b>27</b>	<b>100%</b>	<b>2,981,103</b>

### 5.2 Surplus balances

As at 31st March 2022, the movement on surplus balances when compared with 2021/22 reflected a decrease in year of £815k as follows:

2021-2022		Page 14 2022-2023		Change in Year	
No of Schools	Value in £'000	No of Schools	Value in £'000	No of Schools	Value in £'000
30	3,796	27	2,981	-3	815

Of the total 2022/23 surplus balances, 7 schools hold balances above the thresholds set out in the Scheme for Financing Schools. The Scheme for Financing Schools sets out the financial arrangement between the local authority and the maintained schools. The scheme states that if a schools balance has exceeded the allowable surplus (8% of school budget share for nursery, primary and special, 5% for secondary) and allowing for commitments and any amounts assigned for a specific purpose then the local authority may deduct an amount equal to the excess balance.

Schools have recently submitted excess surplus balance plans detailing intended use.

### 5.3 Deficit balances

As at 31st March 2023, the movement on deficit balances in comparison with 2021/22 shows a decrease in the value of the deficit by £40k as follows:

2021-2022		2022-2023		Change in Year	
No of Schools	Value in £'000	No of Schools	Value in £'000	No of Schools	Value in £'000
2	-51	1	-11	1	-40

Of the 2 schools that were previously identified to be in deficit, 1 has now entered a surplus balance position and 1 has converted to an academy.

For the school that is in a deficit position, individual 3 year budget recovery plans are in the process of being compiled. These will then be subject to formal review throughout the year.

## 6. **Academy Trust Surplus Balances**

6.1 As Schools Forum members may want to note that for the academic year 2020/21 the Department for Education received financial data from trusts, as part of the academy accounts return (AAR), submitted in early 2022.

6.2 These are submitted for the preparation of the annual accounts prepared by the DfE for the academies sector, known as the Sector Annual Report and Accounts (SARA).

6.3 The data was published on 19th April and can be accessed at the link below:  
[Academy trust revenue reserves 2020 to 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/academy-trust-revenue-reserves-2020-to-2021)

6.4 The Department for Education now provide information about academy reserves at an individual level rather than just by trust. The balances as at 31<sup>st</sup> August 2021 were as follows.

Number of Academies	Year-end Balance
10	£20K + Deficit

1	£0 – 20K Deficit
16	£20K - £50K Surplus
21	£50K - £100K Surplus
24	£101 - £250K Surplus
21	£250K + Surplus

- 6.5 Members should determine if further analysis of this data would be beneficial for the purposes of Schools Forum work going forwards.
- 6.6 The Academies Account return for 2022/23 will be published

## 7. Names and contact details

Neil Hardwick  
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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Special Education Needs and Disability Sufficiency Phase 4 Update – Delivery of mainstream school Special Education Needs and Disability Resource Bases

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children & Young Peoples Service

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

The report provides an update in respect of SEND Sufficiency Phase 4 delivery of the SEND Resource base education provisions in mainstream schools following the SEND Sufficiency Phase 4 approved by Cabinet paper in October 2022.

The report details the key activities undertaken in completing an expression of interest process for schools to host a SEND resource base, with updates on the selection process, due diligence undertaken to date and next steps in relation to delivering the roll out of Rotherham SEND Sufficiency Strategy Phase 4.

**Recommendations**

That Cabinet:

1. Note the activity undertaken and progress to date on SEND Sufficiency Phase 4 including changes to the original profile of provision following the expression of interest process.

2. To formally approve 140 places at the 13 schools successful in their expression of interest to host a SEN resource base as outlined in paragraph 2.6 and limited to the High Needs Safety Valve capital allocation as outlined in paragraph 6.1 subject to Department of Education approval.

**List of Appendices Included**

Appendix 1 Part A - Initial Equality screening Assessment form  
Appendix 2b Part B - Equality Analysis Form final  
Appendix 3 Carbon impact FINAL Template

**Background Papers**

Safety Valve Cabinet annual update report - 24<sup>th</sup> April 2023 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](https://rotherham.gov.uk)  
SEND Sufficiency Phase 4 Cabinet paper - October 2022 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](https://rotherham.gov.uk)  
SEND Sufficiency Phase 3 Cabinet Report - November 2020 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](https://rotherham.gov.uk)  
SEND Sufficiency Phase 2 Cabinet Report May 2019 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](https://rotherham.gov.uk)  
SEND Sufficiency Phase 1 Cabinet Report – February 2018 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](https://rotherham.gov.uk)

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **SEND Sufficiency Phase 4 Update – Delivery of mainstream school Special Education Needs and Disability Resource Bases**

### **1. Background**

- 1.1 In Rotherham 19.7% of pupils have a statutory plan of Special Educational Need or Disability (SEND) with an Education Health Care Plan (EHCP) or are receiving SEND support (previously known as school action and school action plus). This compares to an average of 17.4% across all English Metropolitan Boroughs. In order that the educational needs of children and young people in the Borough with SEND can continue to be met, the Council has a responsibility to create a sufficiency of education provision to meet the needs of all pupils.
- 1.2 As part of the Rotherham involvement within the Department of Education (DfE) – Dedicated Schools Grant (DSG) – High Needs Deficit – Safety Valve Agreement, the Council has worked closely with the DfE to share and develop our strategic planning in order that the sufficiency of SEND places in the Borough is aligned to a sustainable financial plan to support the DSG High Needs budget moving to a balanced position across the lifespan of the Safety Valve Agreement.
- 1.3 In March 2022, following Cabinet approval, Rotherham entered into a Safety Valve Agreement with the DfE. As part of this agreement, additional SEND Capital of £4.32m was provided to Rotherham to support the development of SEND provision in the Borough and enact its strategic plans as set out in the Safety Valve Agreement. This funding is in addition to the £3.16m High Needs Provision 2022-2023 and £3.04m 2023/24 capital allocations that are proportionally awarded to all local authorities.
- 1.4 The key strategic aim set out within the Safety Valve Agreement is to enhance mainstream SEND capacity to meet a wider level of need across all schools and mitigate the need for children, young people, and young adults to be educated in settings outside the Borough and promote inclusive practice. Specialist SEND education provision placement for children and young people in Independent Special Schools outside Rotherham has a higher cost base and consistently does not provide stronger educational outcomes.
- 1.5 The proposed focus of SEND Sufficiency phase 4 aligned to our Safety Valve Agreement is to work closely with schools within the Borough and the DfE to create 10 additional SEND resource bases within mainstream education settings which would create a minimum of 100 additional SEND places over the next 3 academic years.
- 1.6 The proposed profile of provision informed by current SEND needs and provision mapping would be to create the following:
  - 2 Primary phase Social Emotional Mental Health resource base provisions (20 places in total)
  - 2 Secondary phase Social Emotional Mental Health resource base provisions (20 places in total)
  - 2 Primary phase Communication and interaction resource base provisions (20 places in total)

- 2 Secondary phase Communication and interaction resource base provisions (20 places in total)
- 2 Secondary Moderate Learning Difficulty resource base provisions (20 places in total)
- Total minimum places (100 places)

1.7 From 2018 onwards, Cabinet has approved three previous phases of SEND Sufficiency, each targeted at addressing incremental rises in SEND cohorts and creating or improving specialist education provision:

- In 2018, phase one of the Sufficiency Programme focused on increasing special school places in the Borough as indicated by the rapid growth in demand for all specialist provision. These plans led to increases in places at The Willows School (including post-16 provision), Kelford School and Abbey School. Initial development of resource provision places at Wales and Waverley were also included within phase 1.
- The second phase of SEND Sufficiency focused on the need for more targeted provision for children with Autism Spectrum Disorder (ASD) and led to the development of new units at Wath Victoria Primary School, Brinsworth Academy and increased places at Milton School. There was also investment identified for post-16 provision at Thomas Rotherham College. As a consequence of this investment Rotherham has been better able to meet the needs of local children with autism and to place them in local schools.
- Phase three created specialist provision for children and young people with Social Emotional Mental Health (SEMH) needs who were previously placed in Pupil Referral Units. Through the DfE Free School Presumption Process, Elements Academy opened in September 2022. This phase also looked at redeveloping an existing special school in the Borough through significant investment in rebuilding the upper part of Newman Special School which is no longer fit for the purpose of the current education delivery and will be complete in July 2023.

## **2. Key Issues**

- 2.1 A resource base provision is attached to a mainstream school providing specialist therapeutic input and support for pupils with a specific SEND need type. Pupils access support from the resource provision based on their individual need whilst also accessing mainstream classes and curriculum.
- 2.2 In November CYPS completed an Expression of Interest process to identify schools who are interested in hosting a resource provision as part of SEND Sufficiency Phase 4. In total 15 schools completed EOI's which was matched well with the profile of provision developed in this phase of SEND Sufficiency and in some cases exceeded the intended schedule of provision.
- 2.3 As part of the selection process a period of due diligence has been undertaken across schools submitting applications, selection has included assessment against the capital required to adapt or build a suitable teaching space, teaching

and curriculum model identified by the school in delivering high quality SEND provisions and wider information such as existing inclusive practice, and geographical/location factors.

- 2.4 The EOI process identified an increase in demand from schools for Social Emotional Mental Health resource provisions across both Primary and Secondary phases. This aligns to increased needs for this cohort as reported by schools and partners across the SEND system at both a local and national level.
- 2.5 Initial selection processes have provided further scrutiny and oversight through our established SEND Sufficiency Board with all schools that successfully complete due diligence being required to seek approval from the DfE's Advisory Board to undertake a formal significant change of their school profile to allow them to have a SEND resource base.
- 2.6 The following schools were selected for initial due diligence as part of the selection process. Due Diligence has been undertaken since January 2023.

School	Phase	Need Type	Number of places
Thrybergh Academy	Secondary	SEMH	10
Winterhill Academy	Secondary	SEMH	10
Dinnington Academy	Secondary	SEMH	10
St Pius Catholic High School	Secondary	MLD	10
Wales High	Secondary	Communication and Interaction	20
Brinsworth Academy	Secondary	MLD	10
Dalton Foljambe	Primary	SEMH	10
Bramley Sunnyside	Primary	SEMH	10
Meadow View	Primary	SEMH	10
Highfield Farm	Primary	SEMH	10
Thurcroft Junior Academy	Primary	Communication and Interaction	10
Maltby Manor Academy	Primary	SEMH	10
Brinsworth Whitehill	Primary	Communication and Interaction	10
		Total potential places	140

- 2.7 The total potential places available across all expressions of interest exceed the minimum requirement of 100 places for phase 4. The additionality provides assurance against the risk identified under 13.3. The delivery of this round of SEND Sufficiency supports wider spread of SEND provision across the Borough. A number of schools that sit in geographical areas where no SEND resource bases currently exist have bid into this round of SEND Sufficiency and this will support a Borough wide development of accessible SEND provision.
- 2.8 As part the expressions of interest received by the Council. Wales High School and Brinsworth Academy who have existing resource base provision which has been running successfully for a sustained period of time put forward plans to extend their existing provision and further develop the SEND offer at both schools. Other successful resource bases including Wath Victoria Primary

School have indicated they would like to consider growth of their SEND resource base provision in the future.

- 2.9 The first additional places are scheduled to be available from September 2023 with a phased rollout over the following two academic years to create the 100 resource provision places. Performance management and quality assurance frameworks are in the process of being implemented for both new resource base provisions and those developed in previous rounds of SEND Sufficiency.
- 2.10 The interest from schools in hosting a resource base provision meets the initial requirement for SEND Sufficiency Phase 4 with the additional interest shown providing additional capacity to support future phases of SEND Sufficiency particularly in relation to additional SEMH places.
- 2.11 The next phase of SEND Sufficiency Phase 4 will see finalisation of capital requirements for schools, place planning and contracting prior to the establishment of additional school places from September 2023.

### **3. Options considered and recommended proposal**

- 3.1 **Option 1:** Consideration has been given to not creating additional SEND resource base provision places. This option of doing nothing would place a significant financial risk on the Dedicated Schools Grant High Needs Budget as those pupils with identified SEND needs would still need specialist education support. Should this provision not be available in the Borough then education provision would need to be accessed outside of Rotherham.
- 3.2 **Option 2 (preferred option):** The proposal to create a minimum of 10 additional SEND resource base provisions in mainstream education and thus creating a minimum of 100 additional SEND places with Primary need as identified in 1.6. This preferred option also provides an opportunity to increase SEMH provision in line with the increased interest for this need type as identified in 2.6.
- 3.3 The preferred proposal includes the opportunity to increase places at 8 existing resource provisions developed during previous rounds of Sufficiency. This will provide opportunities to increase provision to meet need at identified contractual review points.

### **4. Consultation on proposal**

- 4.1 All appropriate updates have been provided by RMBC ahead of this phase of SEND Sufficiency, key updates have also been provided to Schools Forum, School leaders forums, and associated partners including SEND Partnership Board and the Department of Education.
- 4.2 Further formal consultation would be undertaken with key stakeholders for all new resource bases that open at individual schools as part of DfE significant change applications and would lead to adaptations to academy funding agreements. This would be overseen by individual schools as part of their application to the DfE to host a SEND resource base provision.

- 4.3 As part of work that the Council undertakes as part of the wider SEND place based partnership, a series of listening events are held with Parent and Carers across key areas of development across SEND. Previous listening events have included development of the Social, Emotional, Mental Health Free School, SEND Local Area Inspection, and Newman School development. Plans are in place for a listening event for SEND Sufficiency Phase 4, in order that parents and carers are fully involved in appropriate consultation and are able to support co-producing this phase of SEND Sufficiency in the Borough.
- 4.4 Ongoing updates linked to SEND Sufficiency and performance data are provided to Improving Lives Select Committee. This phase of SEND Sufficiency will also have oversight from improving Lives Select Committee.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1
- SEND Sufficiency Phase 4 Cabinet Report – October 2022
  - SEND Sufficiency Phase 4 EOI process – November – December 2022
  - Due Diligence and Selection Process – January – June 2023
  - First new resource provision places – September 2023

## **6. Financial and Procurement Advice and Implications**

- 6.1 The creation of these Resource Units will be funded from the High Needs Capital allocation with £3.3m earmarked for this programme of works. The creation of an additional 10 Resource Units forms part of Rotherham's DSG Management Plan and Safety Valve Agreement, to enable Rotherham to operate within its annual DSG funding allocations by the end of 2025/26.
- 6.2 A Resource Unit provides a value for money solution and avoids a pupil having to leave a Resource Centre on a mainstream site which costs £14k compared to being placed in a Special School which averages £22k or an ISP which averages at £65k.
- 6.3 There have been no procurement implications in the work undertaken to date. In the next phase of activity, if there is a need for the Council directly to engage third party Contractors to deliver the works this must be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Finance and Procurement Procedure Rules. However, if the school(s) is to directly contract for the works, there are no procurement implications for the Council.

## **7. Legal Advice and Implications**

- 7.1 Section 14 of the Education Act 1996 places a general duty upon a local authority to secure sufficient schools to provide primary and secondary education in their area and they should have particular regard to securing special education provision.

- 7.2 Following the enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for children and young people with SEN or a disability. The Local Authority is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people and providers. This Act and its associated guidance is clear that, when considering any re-organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability.
- 7.3 In order to minimise the risk of legal challenge, the Local Authority should ensure that it is fully compliant with all relevant legislation in this area and that it continues to satisfy its statutory duties through its decision making. Furthermore, the Council should also ensure that it continues make decisions that satisfy the terms of the Safety Vale Agreement.

## **8. Human Resources Advice and Implications**

- 8.1 There is no direct HR implication within this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 Additional Special Educational Needs and Disability (SEND) places created within the Borough give more children and young people the opportunity to access high quality provision to meet their educational needs and in line with parental wishes.
- 9.2 Key considerations are referenced within the report.

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 Children and Young People with SEND are disproportionately represented across a range of education and inclusion measures. The SEND sufficiency phase 4 aims to provide specialist education provision that supports identified cohorts with SEND needs to have enhanced education opportunities and provide support in order that all children and young people have the strongest possible preparation for Adulthood.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 All areas of SEND Sufficiency, student placed planning (inclusive of circa at least 100+ additional SEND places), and educational placements have a direct environmental impact, consideration of this element is informed in provision development and provision enhancement in the Borough due to the direct impact this will have to limiting students travelling outside the Borough. This would support reduced emissions of CO<sub>2</sub>.
- 11.2 Wider consideration of indirect implications or unintended consequence of work in this area has on CO<sub>2</sub> Emissions and Climate Change is considered across all



partners as the Council are committed to long term targets to mitigate these areas of concern in the Borough. An environmental impact assessment has been completed and is an appendix to this report.

## 12. Implications for Partners

- 12.1 Ongoing updates are provided to key stakeholders including Parent/carers forum, health leaders, school leaders, Schools Forum, and other associated stakeholders.
- 12.2 Development of specialist SEND provision in the Borough will enhance SEND practice for all SEND need types in the Borough and will support areas of focus to enhance SEND capacity across education system in Rotherham enhancing SEND provision in Rotherham schools.

## 13. Risks and Mitigation

- 13.1 Across all areas of this phase of SEND Sufficiency the council will adhere to guidance and advisory outline provided to Local Authorities by DfE in relation to significant changes or changes of designation for schools. Regular update meetings are held with DfE, and this will support forward planning across this phase of SEND Sufficiency.
- 13.2 Across all key decisions and internal processes, decision making has had oversight of SEND Sufficiency Board which involves all key internal parties including legal, assets, HR, procurement, transport, finance, commissioning, and education specialists.
- 13.3 There is a risk that changes to schools OFSTED rating, inclusive practice, national SEND guidance or required capital allocation results in schools listed under 2.6 being unable to successfully complete due diligence or receive DfE approval to host a resource provision.

## 14. Accountable Officers

Nathan Heath – Assistant Director, Education & Inclusion  
Neil Hardwick – Head of Finance CYPS

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	05/06/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/06/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/05/23

*Report Author: Nathan Heath Assistant Director, Education & Inclusion  
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**Committee Name and Date of Committee Meeting**

Cabinet – 19 June 2023

**Report Title**

Rotherham School Accessibility Strategy and Funding Policy

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Nicola Curley, Strategic Director of Children & Young Peoples Service

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

All schools have a statutory duty to provide 'reasonable adjustments' for their pupils to make sure disabled students are not discriminated against. There are three main categories of adjustment that schools are expected to make for children: Improving access to the curriculum, improving physical access to buildings including providing specialist equipment and improving access to information.

The updated Rotherham School's Accessibility Strategy identifies all schools' statutory responsibilities to support their pupils and the support available to schools from the Council in relation to their own Accessibility planning.

**Recommendations**

That Cabinet:

1. Approve the School Accessibility Strategy.

2. Approve the Capital Accessibility Funding Framework and schools' accessibility application process.
3. To provide a future report to Cabinet to approve the outcome of the application for the capital funding.

**List of Appendices Included**

- Appendix 1 School Accessibility Policy
- Appendix 2 School Accessibility funding framework
- Appendix 3 School Accessibility application process, guidance, timeline, and shortlisting model
- Appendix 4a Part A - Initial Equality screening Assessment form
- Appendix 4b Part B - Equality Analysis Form final
- Appendix 5 Carbon impact FINAL Template

**Background Papers**

- [\(Public Pack\)Agenda Document for Cabinet, 25/04/2022 10:00 \(rotherham.gov.uk\)](#) – Safety Valve Agreement.
- [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#) – SEND Sufficiency Phase 4

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Accessibility Strategy and Funding Policy

### 1. Background

- 1.1 As part of the Rotherham Safety Valve Agreement between the Department of Education (DfE) and Rotherham Metropolitan Borough Council there is a commitment to deliver improved Special Education Needs and Disability (SEND) education provision across Rotherham. This includes supporting both mainstream and special schools to improve their site accessibility to enhance outcomes for their pupils.
- 1.2 To support the delivery of improved school accessibility, Rotherham School Accessibility Policy, a statutory requirement, has been updated along with a clear funding and application process for schools to seek to apply for capital investment to enhance their school site to be able to support a wider level of SEND need in their schools.
- 1.3 The clear strategic intent of Schools Accessibility Funding is to support schools to meet a wider level of SEND need in their setting through adaptations to existing buildings. This supports the Council SEND sufficiency strategy which is focused on meeting children and young people's SEND needs within the borough. Included within the Safety Valve Agreement capital application is a Capital Accessibility Funding envelope inclusive of both mainstream and special schools. An allocation of £375k for the next 4 years for both mainstream and special schools was approved by Council in October 2022 as part of SEND Sufficiency phase 4.
- 1.4 To support the development of Accessibility Funding agreed by Cabinet the Council School Accessibility Strategy has been updated with input from across Rotherham SEND partnership including Specialist Inclusion Services, Education services/partners and wider stakeholders such as Health Colleagues, SENDIASS, Guiding Voices and Rotherham Parent Carer Forum.
- 1.5 The School Accessibility Strategy identifies the support available to schools from the Council whilst also identifying schools statutory responsibilities in relation to their own Accessibility planning.
- 1.6 The Strategy identifies support for SEND pupils three core areas:
  - To increase the extent to which SEND and/or disabled pupils can participate in the curriculum
  - To improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of education
  - To improve the delivery of information to disabled pupils and their parents/carers through the Rotherham Local Offer
- 1.7 Included within the School Accessibility Strategy is a clear action plan which details outcomes against each core area identified above. This will be tracked and reported over time to measure progress in order that all Rotherham Schools follow best practice against providing the most accessible school sites for all pupils.

- 1.8 To support core areas of the School Accessibility Strategy, a funding framework has also been developed to support the delivery of the Strategy and to meet outcomes detailed within the original Safety Valve application approved by Cabinet in April 2022.
- 1.9 The Accessibility Funding framework (appendix 2) proposes three distinct areas. These are:
- Targeted work across mainstream and special schools linked to accessibility requirements for individual pupils and cohorts which will support more pupils' needs being met in these schools
  - Requests and contributions for individual pupils linked to established equipment panel
  - A small capital grant programme for schools open through application and assessment in line with schools own accessibility planning

## **2. Key Issues**

- 2.1 School's Accessibility Funding rolled forward from 2022/23 academic year will be available within the 2023/24 academic, consequently there is an additional allocation for both mainstream and special schools in 23/24 which support increased delivery of this programme of activity.
- 2.2 In order to inform the targeted schools accessibility work across special schools, capacity assessment work has been completed by external consultant Shared Agenda. This has identified capacity gaps across the SEND estate which could be mitigated through Accessibility Funding. Where sufficient capacity does not exist it is proposed Accessibility Funding will contribute to the development of off-site provision for specific pupil cohorts who are struggling to access the existing curriculum offer within our special schools.
- 2.3 New requests and contributions associated with individual pupils will be facilitated through the established Equipment Panel. Where new requests and contributions fall outside of the remit of Equipment Panel these will be escalated for consideration for targeted accessibility funding. Targeted work with the Council Education Health Care Planning Team is planned to identify pupils who require adaptations to school buildings in order for their needs to be met in mainstream. Scoping will include key transition points and ensuring a spread of accessible provision across the Borough.
- 2.4 In addition to this a small Capital Grants Programme proposes to fund projects across mainstream sites in an initial funding round with grants being capped at £50,000. Contributions will be sought from schools through the application process to maximise value for money. Depending on applications received and interest further funding rounds could be rolled out from September 2023.
- 2.5 To support implementation there is a clear application process, guidance, timeline and shortlisting model (Appendix 3). This is supported by performance measures which will track impact over time against successful applications.

- 2.6 To ensure capacity within Asset Management the grant funding process will include a mixed model of procurement including direct award of grants to schools to complete any capital works following officer delegated decision.
- 2.7 The School Accessibility Strategy and associated Accessibility Funding Strategy will be monitored by a dedicated sub-group feeding into the established CYPs SEND Sufficiency Board. The sub-group will be responsible for monitoring the action plan within the over-arching strategy and implementing the funding strategy. All cross Council stakeholders are represented at this board. Improving Lives Select Commission will continue to receive regular updates on SEND Sufficiency and SEND improvement.

### **3. Options considered and recommended proposal**

- 3.1 All 'Safety Valve' monitoring arrangements sit within the defined DfE process and can become more regular if the Safety Valve Agreement outcomes are not met. Rotherham's does not have an accessibility funding framework associated with the implementation of its current Accessibility Strategy.
- 3.2 Approving the implementation of the Accessibility Strategy and the proposed delivery of the Capital Accessibility Funding previously agreed by cabinet will support the delivery of Safety Valve Agreement and will support Rotherham schools to meet a wider level of SEND need through adaptations to existing buildings. This supports our SEND sufficiency strategy and SEND Improvement plan which is held within the Rotherham Written Statement of Action. The strongest possible outcomes for Rotherham children and young people remain the key focus of these plans.

### **4. Consultation on proposal**

- 4.1 Market engagement has been undertaken to establish interest in a grants programme linked to improving access to the school curriculum for SEND pupils in both mainstream and special schools. This has established strong levels of interest, particularly around developing vocational curriculum models to support Social Emotional Mental Health SEND cohorts within Secondary mainstream schools.
- 4.2 A presentation has also taken place at SENCO network event, this has encouraged schools to update their Accessibility Plans to support with identifying existing Accessibility gaps and trends ahead of future funding rollout.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1
- Application form and process map for schools to apply for funding to be circulated to schools in June 2023.
  - Applications considered and due diligence to take place in mid July 2023.
  - Funding Award notifications to be provided to schools in late July onwards.

## **6. Financial and Procurement Advice and Implications**

- 6.1 The creation of Accessibility capital funding streams as outlined in the report forms part of Rotherham's DSG Management Plan and Safety Valve Agreement, to enable Rotherham to operate within its annual DSG funding allocations by the end of 2025/26.
- 6.2 The annual average revenue cost of a EHC plan in a mainstream setting is £8k compared to being placed in a Special School which averages £22k or an ISP which averages at £65k. As can be seen from these costs it is financially beneficial to make schools more accessible for pupils to attend.
- 6.3 The creation of mainstream and special school Accessibility Capital schemes is part of the DSG Management Plan and capital funding has been provided by the DfE linked to Rotherham's Safety Valve capital allocation and High Needs capital annual allocation. The capital funding earmarked is £3m over the duration of the Safety Valve Agreement, with £1.5m for mainstream and £1.5 for special schools.
- 6.4 The use of the external consultant Shared Agenda (referred to at 2.2) has been procured via a Framework Agreement, in compliance with the Council's Financial and Procurement Procedure Rules.
- 6.5 In response to delivering the future works, where the Council is to directly procure contractors, this must be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules. If we are providing the school with grant agreements for them to procure the works, there will be no procurement implications for the Council.

## **7. Legal Advice and Implications**

- 7.1 Section 14 of the Education Act 1996 places a general duty upon a local authority to secure sufficient schools to provide primary and secondary education in their area and they should have particular regard to securing special education provision.
- 7.2 Following the enactment of The Children and Families Act 2014, the Local Authority retains responsibility for commissioning services for children and young people with SEN or a disability. The Local Authority is required to keep the provision for children and young people with SEN or disabilities under review, including its sufficiency (Section 315 of the Education Act 1996), and to promote wellbeing and improve quality, working in conjunction with parents, young people and providers. This Act and its associated guidance is clear that, when considering any re-organisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with SEN or a disability.
- 7.3 In order to minimise the risk of legal challenge, the Local Authority should ensure that it is fully compliant with all relevant legislation in this area and that it



continues to satisfy its statutory duties through its decision making. Furthermore, the Council should also ensure that it continues make decisions that satisfy the terms of the Safety Vale Agreement.

## **8. Human Resources Advice and Implications**

8.1 There is no direct HR implication within this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 The School Accessibility Strategy and associated funding will have a direct impact on the SEND strategy and provision development to meet SEND needs across education settings within the Borough.

9.2 Key considerations are referenced within the report.

## **10. Equalities and Human Rights Advice and Implications**

10.1 Key considerations are referenced within the report. An equalities impact assessment has been completed and is an appendix to this report.

## **11. Implications for CO<sub>2</sub> Emissions and Climate Change**

11.1 All areas of SEND Sufficiency, student place planning and educational placements have a direct environmental impact, consideration of this element is informed in provision development and provision enhancement in the Borough due to the direct impact this will have to limiting students travelling outside the Borough. This would support reduced emissions of CO<sub>2</sub>.

11.2 Wider consideration of indirect implications or unintended consequence of work in this area has on CO<sub>2</sub> Emissions and Climate Change is considered across all partners as the Council are committed to long term targets to mitigate these areas of concern in the Borough. An environmental impact assessment has been completed and is an appendix to this report.

## **12. Implications for Partners**

12.1 The Dedicated Schools Grant is subject to oversight of Schools Forum and the wider education system in the Borough, all updates across the 'Safety Valve' progress have been provided to Schools Forum, the High Needs Sub-Group which is part of Schools Forum receives regular and detailed updates in relation to the Safety Valve Agreement.

12.2 Ongoing updates are provided to key stakeholders including Parent/carers forum, health leaders, school leaders, Schools Forum, and other associated stakeholders. The SEND Executive and SEND Partnership board involve all Key Stakeholders and SEND is a Place Priority for Rotherham.

## **13. Risks and Mitigation**

13.1 The key risk is the growth of SEND cohorts within the Borough grow outside the trajectories. This would be exaggerated by ineffective use of capital investment from DfE to support Rotherham to deliver its sufficiency planning.

**14. Accountable Officers**

Nathan Heath – Assistant Director, Education & Inclusion

Neil Hardwick – Head of Finance CYPS

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/06/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	30/05/23

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<h1>BRIEFING</h1>	<b>TO:</b>	Schools Forum
	<b>DATE:</b>	14 June 2023
	<b>LEAD OFFICER:</b>	Amy Leech HRBP CYPS <a href="mailto:Amy.leech@Rotherham.gov.uk">Amy.leech@Rotherham.gov.uk</a>
	<b>TITLE:</b>	NJC Support Staff and Teachers Pay Award Update

## 1. Background

### 1.1 Support Staff

The National Employers made a full and final, one-year (1 April 2023 to 31 March 2024) offer:

- **With effect from 1 April 2023, an increase of £1,925 (pro rata for part-time employees) to be paid as a consolidated, permanent addition on all NJC pay points 2 to 43 inclusive** *this equates to a 9.42% pay award at SCP2 and a 3.88% pay award at SCP43*
- **With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine but graded below deputy chief officer** *(in accordance with Green Book Part 2 Para 5.4[1])*
- **With effect from 1 April 2023, an increase of 3.88 per cent on all allowances** *(as listed in the 2022 NJC pay agreement circular dated 1 November 2022)*

The employers explained to the unions that they believe the offer is fair to employees, given the wider economic backdrop. By way of an example, if the offer were to be accepted by the unions, an employee on the bottom pay point in April 2021 (earning £18,333) will have received an increase in their pay of £4,033 (22.0 per cent) over the two years to April 2023. For an employee at the mid-point of the pay spine (pay point 22), their pay will have increased over the same period by £3,850 (13.99 per cent).

### Teachers Pay

Teachers in England have been offered a pay rise after the Government set out an offer on pay, conditions and workload to the education unions.

The offer follows intensive talks between the Government and the National Education Union (NEU), National Association of Head Teachers (NAHT), the Association of School and College Leaders (ASCL) and NASUWT.

The offer includes pay increases for teachers for this academic year and next year.

- Teachers will receive a one-off payment of £1,000 for the current academic year.

- This is on top of the average pay rise of 5.4% which teachers received in September 2022. Teachers and leaders have been offered an average pay rise of 4.5% in 2023 to 2024. This is above the Office for Budget Responsibility (OBR) forecast for inflation at the end of this calendar year, which is 2.9% and forecast to fall further.
- The starting salary for new teachers will rise 7.1% to £30,000, delivering on the Government's commitment.

The Government announced that schools will receive further funding for the pay awards.

The £1,000 one-off payment for teachers will be funded by Government, via a new grant to schools. Schools will receive an additional £2 billion in 2023 to 2024, and in 2024 to 2025, taking school funding to its highest level in history.

The Government believe that because energy costs are forecast to fall at a faster rate than previously expected, an average pay rise of 4% is now judged to be affordable for schools.

## 2. Key Issues

### 2.1 Support Staff

The national committees of all three unions (Unison, GMB and Unite) have rejected the employers' final offer. UNISON has announced a ballot for industrial action, whilst GMB and Unite members will be consulted on the basis of a recommendation that the offer has been rejected.

UNISON's ballot did not get underway until mid / late May. The reason UNISON has given for the delay before balloting starts, is that it needs to cleanse its member data records in order to ensure it meets its legal obligations of conducting an industrial action ballot. The law requires that there is a ballot of employees in accordance with strict legal requirements before industrial action is called for or endorsed. Only where such a ballot produces a majority in favour of industrial action and at least 50 per cent of those eligible to vote have voted, will the action be lawful. The ballot will only be effective for and mandate industrial action that takes place within six months, beginning with the date of the ballot (which is the date the ballot closes).

Ballot papers were posted out from Tuesday 23 May 2023 in England and Wales with a deadline of Tuesday 4 July 2023.

UNISON has confirmed it will be balloting on a disaggregated basis. This means that action could be taken at each individual council / school where a turn-out of over 50 per cent is secured (if members vote in favour strike action).

If UNISON meets the threshold for lawful industrial action to take place, its timetable means such action may not start until September, more than six months after the employers' offer was made. This potential lengthy delay will mean many months of uncertainty for employers and employees.

GMB announced it conducted a consultative ballot of its members with a recommendation that the offer be rejected. It explained that by rejecting the offer, its members will be indicating their willingness to participate in future industrial action. GMB are currently now in the process of balloting in September for formal industrial action.

Unite announced it recommended rejection of the offer by stating, “*Local government employers need to enter into full pay negotiations and make a decent pay offer if industrial action is to be avoided.*”

Unite ballot for strike action will run from 20<sup>th</sup> June to noon on 17<sup>th</sup> July 2023, with results likely to be shared by the end July. If the action is supported through the ballot, the window for action will be mid-August to January 2024.

As with any ballot, they will need a 50% turnout plus majority of those who voted supporting action for any industrial action to meet the legal threshold. The Unite ballot is also on a disaggregated basis, so results and resulting action will be on a council by council basis.

Teachers Pay

Members of the National Education Union (NEU), Association of School and College Leaders (ASCL), National Association of Head Teachers (NAHT) and the NASUWT have all rejected the latest pay offer from the Department for Education. They announced at the end of April that future industrial action will be coordinated.

The NEU secured a mandate for strike action for schools and sixth forms during this school year.

There are currently no further teacher strike dates confirmed but the NEU has confirmed that they have balloted their members for further strike action. Closing date for this is 28 July 2023 if no agreement is reached then strike action will resume in September scheduled for week commencing 18<sup>th</sup> September.

The general secretaries of unions, including NAHT, ASCL and NEU, have written to their members in all schools in England encouraging them to hold joint-union staff meetings on industrial action. They pointed out that their combined memberships would mean industrial action, if taken, would affect nearly every school in England.

The ASCL has announced its first-ever strike ballot after more than 87% of its members rejected the pay offer on a turnout of 56%. Voting will take place in the summer term with action in the autumn if members vote in favour.

The NAHT, which has 37,000 members working predominantly in primary schools, has not been on strike in England, having previously failed to meet the 50% turnout threshold to organise strikes. On 15 May it launched a formal ballot, closing 31 July, of its members on industrial action over pay, funding, workload and wellbeing.

**3. Key Actions and Timelines**

**3.1** Schools will be updated and informed of future progress with Trade Unions regarding Pay and any future potential Industrial Action Dates.

If agreement is agreed on either of the pay awards, once the finalised Pay & Conditions Document is published, HR will provide further updates regarding the decisions made by Government, and any potential actions that need to be undertaken. HR will provide a further update within the next Schools Forum.

**4. Recommendations**

<b>4.1</b>	That Schools Forum members note the information contained within this report.
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