

**Committee Name and Date of Committee Meeting**

Cabinet – 16 September 2019

**Report Title**

Special Educational Needs and Disability (SEND) Phase 2 – New Education Places

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

Yes

**Strategic Director Approving Submission of the Report**

Jon Stonehouse, Strategic Director of Children and Young People's Services

**Report Author(s)**

Mary Jarrett, Head of Inclusion Services  
01709 822434 or [Mary.Jarrett@rotherham.gov.uk](mailto:Mary.Jarrett@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

On 20 May 2019, Cabinet approved a report setting out the Local Authority's proposals to utilise capital funding to increase the sufficiency of school places for children with Special Education Needs and Disabilities (SEND) in Rotherham.

Consultation has now taken place with schools and settings in accordance with Department for Education guidance and a number of projects have been identified across Rotherham to meet the needs identified within the 2019 SEND Sufficiency Strategy.

This report, seeks approval to utilise £1.186 million of available capital funding to create 111 additional school places in Rotherham starting from 2020, for children with special education needs and disabilities.

**Recommendations**

1. That approval be granted to the increase in education provision by 111 places to be achieved by September 2020.
2. That approval be granted to utilise the £1.186 million available capital funding to create the additional infrastructure required to deliver the projects as set out at paragraph 2.8.

## **List of Appendices Included**

- Appendix 1 Equalities Impact Assessment
- Appendix 2 Cabinet Report May 2019
- Appendix 3 Sufficiency Strategy

## **Background Papers**

Children and Families Act 2014  
Care Act 2014

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

No

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

## **Special Educational Needs and Disability (SEND) Phase 2 – New Education Places**

### **1. Background**

- 1.1 The Dedicated Schools Grant (High Needs Budget) in Rotherham has been under significant pressure since the introduction of the SEND Code of Practice in 2015. There is now increased demand for statutory assessments and for placements within specialist education provision. An increase in places in Rotherham for children with autistic spectrum conditions, moderate learning difficulties and social, emotional and mental health issues will reduce the pressure caused both by the predicted rise in numbers of children with education, health and care plans but also on the pressure to place children in high cost independent specialist provision because of a lack of appropriate local resources.
- 1.2 In recognition of the national rise in numbers of children with SEND, the Department for Education (DfE) announced that there would be additional funding made available. In May 2018 the government announced national funding of £50m and later in December 2018 a further £100m (nationally) for capital investment for school places for children and young people with SEND. In Rotherham this funding amounts to an additional £348k allocated from DfE Special Provision Capital Fund.
- 1.3 On 20 May 2019, Cabinet approved a report setting out the Local Authority's proposals to utilise capital funding to increase the sufficiency of school and setting places for children with Special Education Needs and Disabilities (SEND) in Rotherham. (Appendix 2)
- 1.4 Consultation was undertaken with schools via Schools Forum, Rotherham Education Strategic Partnership, an organised market development day and head teachers meetings. All schools and settings received documentation setting out the requirements and seeking proposals.
- 1.5 The sufficiency data indicates that Rotherham has a particular need for education provision for children and young people with autism spectrum conditions, moderate learning difficulties and social, emotional and mental health issues, the places identified via consultation will address these identified needs.
- 1.6 This provision would be in addition to the provision of the 125 places already being developed following Cabinet approval on 19th February 2019 (SEND Sufficiency phase 1) and in some instances (Milton and Wales schemes) these additional places will be created by combining with places already in development to build larger units and create economies of scale.

### **2. Key Issues**

- 2.1 There is increased demand for specialist placements for children and young people in Rotherham with special education needs. Insufficient places within Rotherham increases pressure on the already challenged High Needs Budget and results in young people being placed outside Rotherham in high cost independent special schools.

- 2.2 The creation of additional in borough provision will lead to a longer term saving on high needs funding as in borough placements cost on average £30k per annum less than out of authority placements.
- 2.3 There is a particular need in Rotherham to respond to increased demand for places within mainstream schools for children and young people with a range of autism spectrum conditions, moderate learning difficulties and social, emotional and mental health difficulties.
- 2.4 Initially the parameters of the consultation were fixed to the proposals to increase places by 50 across Rotherham. However, the response from schools and post-16 providers was both creative and enthusiastic, resulting in realistic proposals to increase education provision for children and young people with special education needs and disabilities by an additional 111 places within the funding parameters available. This approach will allow the Local Authority to advance forward planning in relation to the next stage (phase 3 SEND sufficiency) to meet further future need due to demographic growth and support activity to reduce the deficit of the High Needs Budget.
- 2.5 The responses to consultation and subsequent submitted proposals were scrutinised by a specialist panel which included representation from Rotherham Parent Carers Forum, SEND specialists, Education, Rotherham Clinical Commissioning Group, Commissioning, Finance and Capital Projects Professionals.
- 2.6 All bids were evaluated using criteria that includes evidence of:
- Reduction in Permanent Exclusions across Trust/ Academy
  - Inclusive Practice
  - MAT/ Academy investment in Project
  - A clear business plan and project lead
  - Deliverable outcomes from September 2019
  - Borough-wide approach (consideration of feeder schools and geography)
  - Developing good practice and expertise in SEN
  - Multi-agency working and development of partnership approaches
  - Proven track record of delivering at least good or outstanding education.
  - Financial stability.
- 2.7 Rotherham schools are passionate about supporting young people with a range of needs. Consequently a range of schools and provision has been identified to respond to the Local Authority's request for increased provision in Rotherham; with 10 different projects within 10 schools being identified via a commissioning process to increase their provision to meet the range of identified needs. The short-listing panel considered a range of proposals from a number of providers with the decision made not to progress a total of 6 Projects because they required further development. It is likely that some of these projects will be revisited as SEND Sufficiency is reviewed in future years.

2.8 The shortlisted proposals for Cabinet consideration and approval are detailed below:

<b>School / Setting and type of provision</b>	<b>Number of places created</b>	<b>Capital Investment</b>
<b>Wales High School:</b> Additional capacity within proposed Autism Unit	10 places in addition to those identified in phase 1. (Operational by September 2020)	<b>£200,000</b>
<b>Milton School:</b> Additional specialist places for children with Autism	10 places in addition to those identified in phase 1. (Operational by September 2020.)	<b>£200,000</b>
<b>Brinsworth School:</b> Additional unit for children with MLD including 6 <sup>th</sup> Form provision	15 places plus 5 sixth form. (September 2020.)	<b>£250,000</b>
<b>Thomas Rotherham College:</b> Unit for post 16 Learners with Autism	20 places over 2 years. (2020/2021)	<b>£150,000</b>
<b>Wickersley Partnership Trust:</b> Primary SEMH unit	10 places (September 2020)	<b>£41,000</b>
<b>James Montgomery Academy Trust (School in north of Borough) :</b> Primary Autism Unit	10 places- (September 2020)	<b>£100,000</b>
<b>Aspire:</b> Primary SEMH provision	10 places (September 2020)	<b>£20,000</b>
<b>Kelford:</b> Highly Specialist Autism provision	5 places (October 2019)	<b>£65,000</b>
<b>Hilltop:</b> Highly Specialist Autism provision	6 places (October 2019)	<b>£90,000</b>
<b>Willow Tree Academy:</b> Primary SEMH 'turnaround' unit.	10 places (September 2021)	<b>£70,000</b>
<b>Total</b>	<b>111</b>	<b>£1,186,000</b>

2.9 The Local Authority has submitted a recovery plan to the Department for Education detailing how it will reduce the pressures caused by the rise in demand, the need for specialist provisions and the impact of these issues on the Designated Schools Grant (High Needs Budget). The proposals to create additional specialist resources, schools places and provision have been incorporated into the proposed recovery plan.

- 2.10 The sufficiency plan will be refreshed annually to take account of the changing picture of demand. This will be reviewed and monitored annually to assist forward planning in relation to the phase 3 identification of additional provision needed from 2025 onwards.

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

- 3.1 **Option 1** – Retain current level of provision, however as the number of Education, Health and Care Plans for pupils increases the pressure on the High Needs Block of the Dedicated Schools Grant will continue to rise.

The option not to proceed would place the authority at risk of being unable to meet its statutory duties and would place the Designated Schools Grant (High Needs Budget) under even further pressure.

- 3.2 **Option 2** - It is recommended that Cabinet approve the proposal to increase specialist provision in Rotherham by the identified 111 places as described within this report, to address the gaps in provision and ongoing demand for specialist resources identified within the Sufficiency Strategy.

The option to proceed with the creation of the additional places would consequently mitigate the impact of the increased provision both in reducing out of area placements and absorbing the ongoing increased demand for SEND provision in Rotherham

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

- 4.1 There have been a series of targeted consultation events undertaken following Cabinet approval to consult obtained on 20 May 2019. These included a formal market development event for schools; a series of presentations at head teachers meetings held in May, a presentation to Schools Forum, a presentation to the Children and Young People's Partnership Board in June and SEND Strategic Board also held in June. This consultation included a significant number of schools, strategic partners (CCG, adult services and TRFT). There was also an open question and answer session hosted by the Rotherham Parent Carers Forum in May attended by the Strategic Director of Children & Young People's Services, the Head of Inclusion and the Joint Assistant Director for Performance, Commissioning and Inclusion, specifically to address issues around SEN needs and provision in Rotherham, arising as a result of the original Cabinet paper regarding this initiative (April 2019) with parents able to ask any questions they had about services for disabled children in Rotherham. This event was attended by 15 parents, with a larger number contributing to questions and debate via the Rotherham Parent Carers Forum web-site.

- 4.2 The Rotherham Parent Carer's Forum have been involved in the Sufficiency Board and contributed to the short-listing panel that identified the bids being submitted for Cabinet approval. Feedback from these 6 events, demonstrated the need for additional places and resources in Rotherham, the need for education provision to be supported by therapeutic provision from health services and identified some additional gaps in services for disabled children and young people, for example childcare issues which are being addressed via a separate working group.
- 4.3 The proposals contained in this report reflect the requests from parents that their children have access to specialist resources in Rotherham and that health and education services work more closely together. Schools consultation reflected an appreciation of the demand in services for children with special education needs, the enthusiasm for schools to support children with a range of needs and the need for the local authority to support these initiatives with funding but also with shared expertise. Consequently a number of initiatives have begun in advance of the capital spending project to build expertise around delivery of services for children and young people with autism and ensure consistency and equity of service across the Borough, for example developing closer working relationships between Milton Special School and Swinton School Autism Resource.
- 4.4 The Local Authority consulted with interested parties in line with the guidance from the department for education with the outcomes informing the Cabinet approved phase 1 projects and the phase 2 proposals in this report. Good practice dictates that SEND Sufficiency should be kept under review as pupil numbers and needs can change over a period of time.

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

- 5.1 The timetable for implementation for the majority of these building proposals is over the Academic Year from October 2019 until September 2020.
- 5.2 The cohorts of children will be phased into the provision over academic years 2020 and 2021 to ensure that teaching and learning provision is appropriately allocated and children are integrated fully into the life of the schools.
- 5.3 The project management work with individual schools and academies will be overseen by the SEND Sufficiency Board who report directly to the SEND Strategic Board (Overseen by the Children and Young People's Partnership Board).

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

- 6.1 There are no direct procurement implications arising from the proposals contained in this report
- 6.2 The CYPS programme has school capital funding which could be used to support the SEND proposals received from schools and academies where capital works are required. A business case has been received from each interested party that forms the capital developments.

- 6.3 The Dedicated Schools Grant (DSG) has an overall deficit of £15.1m at the end of 2018/19 and includes a 2018/19 in-year overspend of £5.1m. The proposals outlined in the report are part of the financial recovery plan to operate the Dedicated Schools Grant High Needs Block within the annual funding allocation, which is £31.44m in 2019/20.
- 6.4 The projected annual cost savings on the High Needs budget of developing the SEN units on mainstream school and academy sites is estimated to be in the region of £1.5m (based on a cost saving of £30k per place per annum) through reduction in the number of high cost placements. The new provision will also at the same time be absorbing growth in the number of EHC plans and avoiding the need for high cost placements. The savings are expected to reduce current spend against the Dedicated Schools Grant (DSG) and will not impact on the Council's revenue budget.
- 6.5 The savings will be achieved in two ways. Firstly, through reducing the need for high numbers of newly assessed children and young people to be educated outside Rotherham, and being able to offer high quality provision in borough. Secondly, for those children and young people currently placed in provision outside Rotherham, investigation with families about whether a child's needs can be better met in a Rotherham provision at annual review of the Education Health and Care plan. This will significantly reduce the escalating costs to the Dedicated Schools Grant High Needs Block.
- 6.6 The proposals are also expected to have a positive impact on the Councils Home to School Transport budget, due to a reduction in the number of out of authority placements and the additional transport journeys incurred.

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

- 7.1 Should any of the proposals brought forward to create additional SEND capacity meet the requirement threshold to complete a full prescribed alteration under, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (guidance dated April 2016), then separate proposals would be brought forward for Cabinet determination as part of the delivery programme.
- 7.2 Section 14 Education Act 1996 requires a local authority to have regard to securing SEN provision is made for pupils with SEN Needs. Following enactment of The Children and Families Act 2014, the local authority retains responsibility for commissioning services for vulnerable children and young people with SEN and to keep such provision for children and young people with SEN and disabilities under review including its sufficiency (s.315 Education Act 1996), and to promote wellbeing and improve quality, working in concert with parents, young people, and providers. The Act 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.



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

- 8.1 There are no Human Resources implications for RMBC as a result of this proposal. Any additional staffing required as a result of the proposals would be for the relevant governing boards of schools and academies to determine.

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

- 9.1 Improved RMBC Services and support will achieve the council's aims to give every child the best start in life and to build better futures for vulnerable adults.

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

- 10.1 An Equality Impact Assessment (Appendix 1) was completed for the initial Sufficiency Report in 2018 (phase 1) and revised and updated as part of the consultation on phase 2 proposals). The increase in education provision for children and young people with SEND will increase equity of service provision for children and young people with protected characteristics under the Equality Act.

## **11. Implications for Partners**

- 11.1 The post-16 provision identified within this paper has been shared with Adult Services.

## **12. Risks and Mitigation**

- 12.1. There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Over provision at one school could influence pupil numbers at other schools. However, current provision is full or over-subscribed and this trend is set to continue, meaning that more pupils are being placed in provision out of authority increasing the financial burden on the High Needs Block.

The SEND Sufficiency Project Group will maintain a risk register throughout the project implementation phase.

## **13. Accountable Officers**

Mary Jarrett, Head of Inclusion Services  
Jon Stonehouse, Strategic Director, CYPS

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	02/09/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	22/08/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	27/08/19

*Report Author:* Mary Jarrett, Head of Inclusion Services  
01709 822434 or [Mary.Jarrett@rotherham.gov.uk](mailto:Mary.Jarrett@rotherham.gov.uk)

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