

**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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