

Committee Name and Date of Committee Meeting

Cabinet – 29 July 2024

Report Title

Special Educational Needs and Disabilities Sufficiency Planning to Grow Social, Emotional and Mental Health Provision

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

No

Strategic Director Approving Submission of the Report

Nicola Curley – Strategic Director, Children & Young Peoples Service

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The report provides an update on Children and Young People Services (CYPS) Special Educational Needs and Disabilities (SEND) Sufficiency planning, in particular the growth of Social, Emotional and Mental Health (SEMH) provision linked to Elements Academy. In March, Cabinet was informed of the progress towards creating 100 additional resource education places as part of phase 4 of SEND Sufficiency linked to our Safety Valve Agreement and introduced the requirement for further SEMH growth as part of phase 5 of SEND Sufficiency. The report lays out proposals for Herringthorpe Youth Centre and Library to transfer to Ethos Multi-Academy Trust under a lease arrangement to provide additional teaching space for Elements Academy. This will create 30 additional SEMH education places in line with the key activities and outcomes as part of phase 5 of SEND Sufficiency, this is in addition to the 100 resource places created during phase 4.

Recommendations

1. That Cabinet note the report and the review undertaken for the existing Council asset Herringthorpe Youth Centre and Library.
2. That Cabinet approve the decision for the Asset to be transferred to Ethos Multi-Academy Trust to provide additional teaching space for Elements Academy following the review.

3. That Cabinet note the total SEMH education places provided by the provision at Herringthorpe would be 30, creating additional SEMH places is a key feature of the latest round of SEND Sufficiency which was introduced to Cabinet in March 2024.

List of Appendices Included

- Appendix 1 Part A Initial Equality Screening Assessment
- Appendix 2 Part B Equality Analysis Form
- Appendix 3 Carbon Impact Review

Background Papers

- SEND Sufficiency Phase 4 update – March 2024 [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)
- Safety Valve Cabinet annual update report - 24th April 2023 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)
- SEND Sufficiency Phase 4 Cabinet paper - October 2022 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)
- SEND Sufficiency Phase 3 Cabinet Report - November 2020 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)
- SEND Sufficiency Phase 2 Cabinet Report May 2019 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)
- SEND Sufficiency Phase 1 Cabinet Report – February 2018 - [REPORT TEMPLATE FOR CABINET & COMMISSIONER \(rotherham.gov.uk\)](#)

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 Disabilities Sufficiency Planning to Grow Social, Emotional and Mental Health Provision

1. Background

- 1.1 In Rotherham 20.4% of pupils have either a statutory plan for Special Educational Need or Disability (SEND), known as 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 17.1% across all England Authorities. In order that the educational needs of children and young people 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 outlined in the background paper, “Safety Valve Cabinet annual update report” – 24 April 2023, the Rotherham ‘Safety Valve’ Agreement aims to:
- Reduce use of independent specialist provision outside of the LA by creating appropriate capacity within Rotherham’s high needs system, with a focus on ensuring provision is high quality and value for money.
 - Develop local sufficiency arrangements, including for Rotherham’s Looked After Children.
- 1.3 As outlined in the background papers, there is an identified need for special school places in line with Rotherham Strategic Intentions:
- To ensure sufficiency of school places within Rotherham for children aged 0-19 who have identified special education needs and whose education, health and care plans identify that only special school provision can meet their identified education, health and care needs and reduce dependence on high cost out of area placements which remove children and young people from their local communities.
 - To ensure a sufficient range of provision for young people aged 16-25 to ensure that there are a variety of pathways to support young people to become confident, independent adults.
- 1.4 As part of the Rotherham Safety Valve Agreement there is a requirement for Rotherham Council to support both mainstream and special schools to improve their site accessibility to enhance outcomes for their pupils. On 19 June 2023 Rotherham Cabinet approved the updated Rotherham School Accessibility Policy 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.
- 1.5 Schools’ Capacity Assessments have identified that existing special schools are full or are working at close to capacity.

2. Key Issues

- 2.1 Herringthorpe Youth Centre and Library has previously been occupied by Rotherham Aspire Pupil Referral Unit who used it as a Social, Emotional and Mental Health (SEMH) Centre for Key Stage 3 and 4 pupils covering full or part time provision. In September 2022 pupils transferred to the newly developed Free School, Elements Academy. The building was returned to the Corporate Landlord on the 7 of October 2022.
- 2.2 Following a property review by the Council's Asset Management Board and the subsequent outline business case being received, it was concluded that the property was surplus to Council requirements. Elements Academy was then identified as the appropriate partner to take forward the use of the Herringthorpe Youth Centre and Library site.
- 2.3 Elements Academy's intended use of the site is to develop a provision for Key Stage 3 and 4 pupils who require additional intensive support in a smaller setting. The development of the provision would complement the existing provision mapping of Elements Academy main site which is based at Dinnington.
- 2.4 The provision will focus on Preparation for Adulthood, supporting young people into appropriate post 16 employment, education, and training opportunities.
- 2.5 The premises would form an extension of the existing provision at Elements Academy for key stage 3 and 4 students, at full capacity this will be for 30 pupils. The staffing ratios will be managed by the school, typically these are smaller class sizes of up to 8 pupils but this is flexible depending on need.
- 2.6 As part of due diligence, condition reports have been completed by both RMBC and Ethos. This has concluded that an immediate allocation of £179,000 is required to bring the site up to a suitable condition for teaching and learning. In support of this and to ensure the building can be used in Academic year 24/25, Ethos have submitted an Accessibility Capital Application in line with the terms and conditions of the grant funding available to special schools as part of the Safety Valve Capital Allocation.
- 2.7 Included within the condition reports are additional recommended works; these will be met through contributions from the Academy or capital programmes made available specifically for Academies by the Department for Education.

3. Options considered and recommended proposal

3.1 Option 1:

It is recommended that Cabinet endorse Elements Academy as the appropriate partner to take forward the use of the Herringthorpe Youth Centre and Library site for the development of high-quality teaching space for SEMH pupils. Rotherham SEND Sufficiency plan identifies a need for additional school places for SEMH pupils. This option provides the opportunity to increase the provision in the Borough, thereby avoiding costly out of authority SEND placement costs. The partnership arrangement enables external capital investment to support the necessary building improvements.

3.2 **Option 2:**

Retain Herringthorpe Youth Centre and Library as an asset maintained by the Council. The current state of the building is prohibitive to it being used by members of the public without significant investment – the level of which would be dependent on the nature of any future Council use. In addition, there are also ongoing revenue costs associated with retaining the asset dependent on use. These costs will include empty business rates, standing services charges, security and regular Health and Safety inspections to comply with statutory requirements and insurance provisions. The Council would be liable for all costs under this option. This option would not support the Council to meet the identified need for special school places in line with Rotherham Strategic Intentions and the commitments made to the Safety Valve Programme.

3.3 **Option 3:**

Retain Herringthorpe Youth Centre and Library and earmark it for disposal in return for capital receipts. This is on the basis that it has been identified as surplus to requirements by the Council. A desktop valuation exercise carried out in March suggests a market value more than £100k. Although this suggests lost capital receipts to the Council if the property is transferred to Elements Academy, this needs to be weighed against the financial benefit of option 1 as out of Borough independent specialist placement costs would be avoided through increased SEMH provision in Rotherham. This option does not support the Council to meet the identified need for special school places in line with Rotherham Strategic Intentions and the commitments made to the Safety Valve Programme.

4. **Consultation on proposal**

4.1 All appropriate updates have been provided by RMBC ahead of this phase of SEND Sufficiency with key discussions with the Department for Education. Key updates have also been provided to Parent and Carers Forum, Schools Forum, School Leaders forums, and associated partners including SEND Executive/Partnership Boards.

4.2 As part of work that the Council undertakes through 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 continued listening to events across all areas of SEND Sufficiency Phase 4. This is in order to ensure that parents and carers are fully involved in appropriate consultation and are co-producing this phase of SEND Sufficiency in the Borough.

4.3 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 and be subject to approval of the Significant Change process at Hilltop and Kelford Special Schools overseen by Regional Director of the Department for Education Advisory Board.

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

5.1 The plan is for young people to transition into the provision in the academic year 24/25 once refurbishment works are complete.

6. Financial and Procurement Advice and Implications:

- 6.1 The proposed transfer of the Herringthorpe Youth Centre and Library Site asset falls outside the scope of the Public Contracts Regulations 2015 and as such there are no direct procurement implications associated with the recommendations detailed in this report.
- 6.2 In addition, the proposal to award grant funding to Ethos to bring the site in to a suitable condition for teaching and learning (as referenced at 2.5 above) also falls outside the scope of the Public Contracts Regulations 2015.

6.3 Finance – Capital implications

It is proposed to release the Herringthorpe Youth Centre and Library site to Elements Academy for the development of high-quality teaching space for SEMH pupils. Condition reports completed indicate that immediate capital works, estimated at £179,000, would be required to the building to bring the building and site into a suitable condition for teaching and learning.

- 6.4 An application for funding support for the £179,000 would be submitted by Ethos Trust to the Council's Accessibility Capital Funding in accordance with the terms and conditions of the grant funding. Any further capital works that would be required to the building or site would be funded from the Academy using its own resources or from capital funding made available by the DfE specifically to the Academy.
- 6.5 The above capital funding requirement can be accommodated within available uncommitted Accessibility Capital funding (within the Safety Valve Capital allocation).

6.6 Finance – Revenue implications

There are no direct revenue implications arising from the transfer of the Herringthorpe Youth Centre and Library site to the Elements Academy. The revenue costs of delivering the SEMH provision by the Academy from the released building is covered and provided for within the council's 2024/25 high needs funding budget.

- 6.7 The implications for home to school transport expenditure will be calculated when the individual cohort is identified. Previous activity to establish Elements academy resulted in efficiencies for home to school transport when the cohort was reviewed.

7. Legal Advice and Implications

- 7.1 Provision of services to Rotherham residents by Elements Academy is consistent with the aims of the April 24, 2023, Safety Valve Cabinet Report.
- 7.2 For the provision to be in place the premises will need to be improved and adapted and allocation of funding to support any such improvement is also consistent with the aims of the Report and the council's overall aims for SEND sufficiency.
- 7.3 An application for funding to the Council's Accessibility Capital Funding will need to be made. The application will need to be consistent with the aims of that fund.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications 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 programme and Accessibility funding 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 30 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 CO₂.

11.2 Wider consideration of indirect implications or unintended consequence of work in this area has on CO₂ 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 Ongoing updates are provided to key stakeholders including Parent/carers forum, health leaders, school leaders, Schools Forum, and other associated stakeholders.

13.2 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.

14. Accountable Officers

Helen Sweaton Joint Assistant Director Commissioning, Performance and Quality.
Children and Young People's Services

Niall Devlin Assistant Director Education and Inclusion, Children and Young People's Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	20/06/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/06/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	07/06/24

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