

Committee Name and Date of Committee Meeting

Cabinet – 16 December 2024

Report Title

Special Educational Needs and Disabilities Sufficiency Planning at Newman School

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, Children & Young Peoples Service

Report Author(s)

Helen Sweaton

helen.sweaton@rotherham.gov.uk

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 special school places at Newman School. The report lays out proposals for Newman School following the school's academisation to Team Multi-Academy Trust.

Recommendations

That Cabinet:

1. Note the report and the capital plans brought forward for Newman School following academisation to TEAM Multi-Academy Trust.
2. Approve the decision for the proposed £2.5 million capital investment to create additional school places, as part of the latest round of SEND Sufficiency and in line with the Safety Valve Capital programme.at Newman School.

List of Appendices Included

Appendix 1 Part A Initial Equality Screening Assessment

Appendix 2 Part B Equality Analysis Form

Appendix 3 Carbon Impact Assessment

Background Papers

[SEND Sufficiency Phase 4 update – March 2024](#)

[Safety Valve Cabinet annual update report - 24th April 2023](#)

[SEND Sufficiency Phase 4 Cabinet paper - October 2022](#)

[SEND Sufficiency Phase 3 Cabinet Report - November 2020](#)

[SEND Sufficiency Phase 2 Cabinet Report May 2019](#)

[SEND Sufficiency Phase 1 Cabinet Report – February 2018](#)

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 at Newman School

1. Background

1.1 In Rotherham 22.2% 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 18.4% across all England Authorities. 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 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 Children in Care.

1.3 As outlined in the background papers, there is an identified need for special school places in line with Rotherham’s 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.

2. Key Issues

2.1 The sufficiency of places and capital development of Newman School was identified as part of sufficiency planning in the Phase Three update to Cabinet in November 2020. Improvements and investment on the site have included a new hydrotherapy pool, development of the Dinnington Campus and in September 2023, the opening of the new build Primary Block at the Whiston site.

2.2 Continued development of the Newman School site is a key feature of the current phase of SEND Sufficiency which was introduced to Cabinet in March 2024 and is part of the Local Authority’s Safety Valve Capital Programme. In support of the latest phase, Schools’ Capacity Assessments were completed by an external consultant commissioned by CYPS. This identified that existing special schools are full or are working at close to capacity.

- 2.3 The Council are responsible for funding school growth. The current sufficiency plan includes increasing the capacity at the Newman Additional Resource (NAR) to meet the projection that the school will grow to support 195 pupils (current number is 160). Capital investment is required for adaptations to meet the needs of the NAR cohort. £2.5 million capital investment at Newman School will create the additional 35 school places required and is already factored into the Safety Valve sufficiency plans that have previously been presented to Cabinet.
- 2.4 As of the 1st of September 2024, Newman School transferred to TEAM Multi-Academy Trust (MAT). Following academisation, the maintenance and condition of the Newman School estate is the responsibility of the Trust.
- 2.5 As part of the academisation process, there was an opportunity for the incoming Trust, TEAM, to apply to the Department for Education (DfE) for capital investment across the Newman Estate through the Strategic School Investment Bid (SSICB) Fund.
- 2.6 In the Summer Term 2024, TEAM were notified by the DfE that an in principle SSICB grant offer had been made to support the re-development of the school site. As part of the SSICB funding criteria there is a requirement for the local authority to provide a financial contribution to support the sufficiency of school places across both the main Whiston school site and Dinnington Campus. The funding identified through the Safety Valve sufficiency plans gives an opportunity for the Council to provide a financial contribution to support the sufficiency of school places.
- 2.7 As the DfE grant recipient is TEAM Multi-Academy Trust, the programme timeline for any works at Newman is agreed between the DfE and TEAM. Following Academisation the initial plans submitted as part of SSICB have been reviewed by TEAM with additional due diligence undertaken. The plans have been agreed by the school who now wish to proceed with a formal planning application. A programme timeline has been prepared and shared with the DfE. This includes the planning application being submitted in Q4 24/25 with a tender process completed and works scheduled to commence in Q3 25/26. The indicative programme is subject to planning being granted and final approval by the DfE as part of the grant funding arrangement.
- 2.8 The plans by TEAM would see a new build secondary block developed on the main Whiston site and a refurbishment of the Grade 2 listed building. Due to the condition of the existing Newman Additional Resource Building, it is proposed that this building is demolished.
- 2.9 To support sufficiency (and increase the number of available school places from 160 to 195) some adaptations would also be made to the existing Dinnington Campus. £2.5 million capital investment is proposed within the Council's Safety Valve Capital Programme to fund this school growth in line with SEND Sufficiency planning. This investment would supplement the SSICB funding to build a new secondary block on the main Whiston site and refurbishment of the Grade 2 listed building. The Council's capital investment would enable the new build and refurbishment to accommodate additional school places across the sites.

- 2.10 The proposed plans are subject to final approval by both TEAM and the DfE. In accordance with the Council's sufficiency plans, TEAM has submitted the significant change application to the DfE. Subject to statutory permissions being in place, a formal procurement process will be completed by TEAM to support the development of the site.
- 2.11 As part of the project TEAM have appointed the RMBC Building Design Team to act as Technical Adviser on the capital project to provide support around the design, procurement, and contract management arrangements in place on the scheme.

3. Options considered and recommended proposal

- 3.1 **Option 1** – Approve the £2.5 Million Capital Investment at Newman School to fund school growth in line with SEND Sufficiency planning and the Safety Valve Capital Programme. This is the recommended option.
- 3.2 This option will meet the aims and objectives of the latest phase of SEND Sufficiency planning whilst improving the overall condition of the Newman School Estate.
- 3.3 This option will also support TEAM to comply with the terms and conditions of the proposed funding being made available by the DfE as part of the academy transfer process.
- 3.4 **Option 2** – Consideration has been given to not invest in SEND provision and support the proposals for Newman School.
- 3.5 Not investing in SEND provision through the proposed investment in Newman School, places a risk within the school system in Rotherham that it would not be appropriately equipped to meet the demands of the incremental growth in SEND cohorts evident in the Borough. This would directly impact on outcomes for children, young people, and young adults with SEND.
- 3.6 Not investing in SEND provision would also see an increased likelihood of more young people with SEND being educated in high costing out of borough placements which would put the overall Safety Valve Programme at risk.
- 3.7 Not investing in the sufficiency of places at Newman School would also mean TEAM is unable to attract significant capital funding from the DfE as part of the proposed SSICB award.

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 events across all areas of SEND Sufficiency. This is in order to ensure that parents and carers are fully involved in appropriate consultation and are co-producing 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 Newman School which is overseen by the Regional Director of the Department for Education Advisory Board.

5. Timetable and Accountability for Implementing this Decision

- 5.1
- Academisation of Newman School to TEAM Multi-Academy Trust – September 2024
 - Cabinet approval of LA contribution to the proposed Newman Scheme – December 24
 - Planning Application - Q4 24/25
 - Final Approval in line with SSICB terms and conditions – Q4 24/25
 - Tender issue – Q1 25/26
 - Proposed start date for capital programme – Q3 25/26

6. Financial and Procurement Advice and Implications:

- 6.1 Capital resources of £2.5m has been earmarked by the Council as a contribution towards the overall required investment on the Newman Special school site to update and enhance provision in line with SEND sufficiency planning (to support increase in current number of pupils to a maximum of 195). The financial contribution by the Council is funded via the Safety Valve Programme capital funding.
- 6.2 The above investment will enhance capacity and support placement of higher threshold SEND need in the school and within the borough (at a per pupil cost of £24k per year), thereby avoiding placement in high-cost Independent Specialist or Out of Authority provision (at an average per pupil cost of £65k per year). The education placement cost of pupils placed at Newman Special School is funded through the High Needs Dedicated Schools Grant (DSG) budget.
- 6.3 The responsibility for the procurement activity referred to in the Key Issues section of this report will sit with TEAM (with the Council's Building Design Team acting as technical advisors) who for the purposes of the legislation governing procurement activity, (Public Contracts Regulations 2015 or the Procurement Act 2023 whichever is the applicable legislation at the time) will be determined as the Contract Authority. Whilst the Council has an interest in the scheme as a result of the investment made as part of the recommendations detailed in the report, there are no direct procurement implications for the Council to consider.

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 states that they should have particular regard to the need for securing special education provision for pupils who have special educational needs.
- 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 special educational needs or a disability. The Local Authority also has a duty to keep the education and care provision in its area for children and young people with special educational needs or a disability under review, including its sufficiency.
- 7.3 Provision of services to Rotherham residents by Newman School is consistent with the aims of the April 24, 2023, Safety Valve Cabinet Report. As stated in the body of this report for the provision to be in place, the premises will need to be improved and adapted. Allocation of funding to support any such improvement is consistent with the aims Council's overall aims and strategy for SEND sufficiency and in ensuring compliance with the legal duties placed upon the Council.
- 7.4 The Council and TEAM will need to comply with the terms of the SSICB funding in particular in relation to outputs, timescales, and clawback. As stated in the report a Professional Services Agreement between the Council and TEAM will be agreed setting out the Council's obligations in terms of design and support in relation to the build.
- 7.5 Further a grant agreement between the Council and TEAM will be agreed in relation to the Council's contribution as set out in this report, largely reflecting the SSICB grant funding conditions.
- 7.6 Also as stated in the report, the contracting authority as far as the build contract is concerned, will be TEAM and therefore they will need to comply with the Public Contracts Regulations 2015 or the Procurement Act 2023, depending on when the procurement begins. Pursuant to the Professional Services Agreement referred to above, the Council will support TEAM in the procurement and contract management for the build.

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 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 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.

13. Risks and Mitigation

13.1 Not investing in SEND provision through the proposed investment in Newman School, places a risk within the school system in Rotherham that it would not be appropriately equipped to meet the demands of the incremental growth in SEND cohorts evident in the Borough. This would directly impact on outcomes for children, young people, and young adults with SEND.

13.2 Not investing in SEND provision would also see an increased likelihood of more young people with SEND being educated in high costing out of borough placements which would put the overall Safety Valve Programme at risk.

13.3 Not investing in the sufficiency of places at Newman School would also mean TEAM is unable to attract significant capital funding from the DfE as part of the proposed SSICB award.

13.4 The Council are responsible for funding school growth. Discussion with TEAM and the DfE has been held within the remit of the Cabinet approved sufficiency plan under the Safety Valve programme. The current sufficiency plan includes

investment to increase the capacity at the Newman Additional Resource (NAR) to meet the projection that the school will grow to support 195 pupils (current number is 160).

- 13.5 To ensure continued oversight and involvement of key stakeholders, ongoing updates are provided, including Lead Member for Children and Young People, Improving Lives Select Commission, and Cabinet.

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	02/12/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	22/11/24
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	15/11/24

Report Author: Mark Cummins, SEND Transformation Lead
Mark.Cummins@rotherham.gov.uk

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