

Committee Name and Date of Committee Meeting

Cabinet – 10 February 2025

Report Title

Special Educational Needs and Disability (SEND) Sufficiency Update (Safety Valve)

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)

Helen Sweaton Assistant Director, Commissioning, Performance and Quality

Helen.sweaton@rotherham.gov.uk

Niall Devlin Assistant Director Education and Inclusion

niall.devlin@rotherham.gov.uk

Ward(s) Affected.

Borough-Wide

Report Summary

The report provides an update in respect of SEND Sufficiency following the previous update report to Cabinet in March 2024 and detailed annual High Needs / Safety Valve Programme update to Audit committee in July 2024.

The report details the key activities undertaken in implementing the SEND Sufficiency programme focusing on the development of resource provision and delivery of the School's Accessibility Capital Funding Programme across both mainstream and special schools. The report also provides an update on plans to address sufficiency requirements across identified specialist provision as part of the Safety Valve programme.

The report lays out a timeline for consultation and development of a longer term SEND Sufficiency Strategy to coincide with the end of the Safety Valve programme in 2025/2026.

Recommendations

That Cabinet:

1. Note the activity undertaken and progress to date on the latest rounds of SEND Sufficiency in line with the commitments within the Safety Valve Agreement.

List of Appendices Included

- Appendix 1 Rotherham SEND Provision map
- Appendix 2 Part A - Initial Equality screening Assessment form
- Appendix 3 Part B - Equality Analysis Form final
- Appendix 4 Carbon impact Assessment

Background Papers

[High Needs / Safety Valve Programme - 2023/24 - 30th July 2024](#)

[SEND Sufficiency Phase 4 update report – 19th June 2023](#)

[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
None

Council Approval Required
No

Exempt from the Press and Public
No

Special Educational Needs and Disability (SEND) Sufficiency Update (Safety Valve)

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 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 the Council’s 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 £15.0m 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 does not consistently provide stronger educational outcomes
- 1.5 The most recent phase of SEND Sufficiency aligned to Safety Valve was approved for implementation in June 2023. This phase aimed to support mainstream inclusion of SEND through the development of 10 resource provisions across mainstream settings creating 100 new SEND places. An update on the outcomes achieved through the development of Resource Provision is included in the main body of this report.
- 1.6 A second aim was the implementation of the schools Accessibility Funding Framework across both mainstream and special schools. The aim of the schools Accessibility Funding was to increase inclusivity in existing schools in Rotherham encouraging schools to create/ maintain SEN placements with capital improvements. An update on the outcomes achieved through

implementation of the Schools Accessibility Funding Framework is included in the main body of this report.

- 1.7 Further reports to Cabinet in July 2024 and December 2024 have given approval for additional increases in places as part of the continued development of Elements Academy since its opening in September 2023. Approval was also granted for capital investment to address sufficiency challenges at Newman School as part of the academisation with TEAM Multi-Academy Trust.
- 1.8 A detailed report in July 2024 provided the annual High Needs / Safety Valve Programme update to Audit Committee, which highlighted the financial position of the Dedicated Schools Grant (DSG) High Needs Budget in 2023/24 and the projected accumulated deficit position over the life of the Safety Valve Agreement.

2. Key Issues

Resource Provision Update

- 2.1 A resource 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 Following due diligence, capital development and Department for Education approval, 5 new resource provisions have opened, and 3 existing provisions agreed an increase in places (creating 90 school places in 8 out of the 10 planned new provisions).
- 2.3 The 3 schools increasing their number of available places are Wales Academy, Brinsworth Academy and Anston Hillcrest. The agreed increase in places will create 40 school places replacing the need to develop 4 new resource provisions. This ensures that the original profile of provision is able to be delivered as originally set out in Safety Valve with the additional places being created quicker when compared to creating a new provision. Winterhill resource provision is currently delayed due to capital works with the provision expected to be open in April 2025.
- 2.4 The breakdown of schools, phase, need types and number of newly approved places is given below:

School	Phase	Need Type	Places
Maltby Manor Academy	Primary	SEMH	10
Thurcroft Junior Academy	Primary	Communication and Interaction	10
Brinsworth Whitehill	Primary	Communication and Interaction	10
Foljambe Primary	Primary	SEMH	10
Thrybergh Academy	Secondary	SEMH	10
Wales Academy	Secondary	Communication and Interaction	20

Brinsworth Academy	Secondary	Moderate Learning Difficulty	10
Anston Hillcrest	Primary	Speech, Language and Communication	10
Winterhill*	Secondary	SEMH	10

2.5 The newly established resource provision places along with incremental growth of provision created in previous phases of sufficiency has led to 140 young people currently accessing resource provision across Rotherham as of November 2024. This is an increase of 100 placements since the commencement of Safety Valve. Additional places created through the new provisions will continue to grow throughout the academic year 24/25 and 25/26.

2.6 The additional resource provision places and incremental growth of specialist provision has led to an increase of 362 high needs places in Rotherham between March 2021 and October 2024. An updated SEND education provision map for Rotherham is included at Appendix 1 to the Report.

2.7 **School's Accessibility Funding Framework Update**

In June 2024 Cabinet approved the School's Accessibility Strategy and Accessibility Capital Funding Framework. The intention of Schools Accessibility Funding is to support schools to meet a wider level of SEND need through adaptations to existing buildings. This supports the sufficiency strategy through moving the SEND continuum towards the mainstream.

2.8 The Accessibility Funding Strategy proposes three distinct areas including:

- Targeted work across mainstream and special schools linked to accessibility requirements for individual pupils and cohorts.
- Individual 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.

2.9 The Accessibility Small Grant Capital Programme has been fully implemented with 5 funding rounds. As of November 2024, 28 mainstream schools have been successful in receiving grant funding. Successful projects have been diverse and wide reaching, working closely with schools to identify capital projects to support schools to meet a wider level of need linked to known existing pupils and those who may attend the school in the future.

2.10 Successful projects have included:

- **Wingfield Academy** - The development of a vocational teaching space to support an identified cohort of pupils with SEMH needs. The project has supported the school to widen their curriculum offer with a planned reduction in use of alternative provision and school suspensions/exclusions.

- **Oakwood High School** - The project has supported the school to improve its support offer for young people with SEMH needs through adapting an existing building on site to create a break-out area and bespoke learning environment.
- **Badsley Moor Primary School** – The project has supported the school to develop a special enhanced provision for an identified group of SEND pupils. The project has supported 9 pupils to maintain education within their local school through the enhancement of the teaching space and support from Local Authorities Complex Needs Teachers to develop the curriculum offer.

2.11 The Capital Programme has been supported with workstreams to improve the consistency of the implementation of the graduated approach. This has led to more children with an ECHP in Rotherham remaining in mainstream education. In January 2023 33.3% of children with an EHCP were educated in mainstream education compared to 41.3% nationally. In January 2024 36.9% of children with an EHCP were educated in mainstream education compared to 43.3%. This is a 3.6% increase in Rotherham January 2023-January 2024 compared to a 2% increase nationally, and whilst this measure is still below the national average by 6.4%, the gap is reducing.

2.12 In Spring 2023 capacity assessment work was completed across all special schools in Rotherham, this identified any current capacity gaps across the SEND estate which could be mitigated through Accessibility Funding. Where sufficient capacity does not exist, Accessibility Funding has been utilised to develop additional provision for specific pupil cohorts who are struggling to access the existing curriculum offer within the Councils special schools.

2.13 Since launching, 9 successful Accessibility projects have been supported, these include:

Nexus (Forest View) – The development of Forest View, a purpose built 14-19 provision for young people with SEND focusing on preparation for adulthood. The provision was developed in Summer 2023 following the decision to close Rowan School following the transfer of pupils to Elements Academy in September 2022. Forest View has created 50 additional SEND places.

Newman School – Newman was supported to develop a therapeutic space so young people can receive therapy on site as part of the core offer of the school.

Elements Academy – The project supported the re-development of the Elevate provision through working alongside Asset Management to identify an available Council Asset, Herringthorpe Youth and Community Centre. An accessibility grant was utilised to develop the teaching spaces helping create a base for the provision. In total this will create 30 additional SEND places for September.

In total the special school accessibility capital programme has created a minimum of an additional 105 special school places, with these being focused

towards particular cohorts who require a more bespoke setting to improve educational outcomes.

- 2.14 Over the next period, resource provision places will continue to move to capacity, with the remaining accessibility projects also reaching completion. A main area of focus will be around Quality Assurance of provision and monitoring of outcomes and impact aligned to Safety Valve. This activity will fully inform a proposed longer term SEND Sufficiency plan for Rotherham from 2026/2027 with the timeline of activity included under section 5 of this report.

3. Options considered and recommended proposal

- 3.1.1 **Option 1:** Consideration has been given to not creating additional SEND provision places and progressing SEND Sufficiency planning in line with the commitments within the Safety Valve Agreement.

- 3.1.2 The 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 provision to meet pupil's SEND needs not be available in the Borough then education provision would need to be accessed outside of Rotherham.

- 3.2 **Option 2 (preferred option):** Note the progress to date on the latest rounds of SEND Sufficiency in line with the commitments within the Safety Valve Agreement, including creating additional SEND provision places, improving inclusivity in mainstream provision and progressing future SEND Sufficiency planning. This will ensure provision to meet pupil's SEND to be available in the Borough preventing the need for education provision to be accessed outside of Rotherham.

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 DfE, key updates have also been provided to Schools Forum, School leaders forums, and associated partners including SEND Partnership Board.

- 4.2 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 longer term SEND Sufficiency planning, 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.

- 4.3 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 the Improving Lives Select Commission.

5. Timetable and Accountability for Implementing this Decision

- 5.1
 - SEND Sufficiency review and consultation – Q3 and Q4 2024/2025
 - Remaining resource provision places – From September 2025
 - Approval new SEND Sufficiency Strategy – Q3 2025/2026
 - Ending of Safety Valve – Q4 2025/2026
 - Implementation of new SEND Sufficiency Strategy Q1 2026/2027

6. Financial and Procurement Advice and Implications

6.1 Capital implications.

Total SEND capital funding provided by DfE between 2021 to 2025 to support the development of SEND provision in the Borough and enact its strategic plans as set out in the Safety Valve Agreement amount to £15.0m.

- 6.2 This above funding includes £9.2m (High Needs Provision Capital Allocation funding) allocated in 2023/24, which was earmarked to fund the resource provision development and the School's Accessibility Capital Funding Programme across both mainstream and special schools. The table below shows the current and future year capital scheme costs across the Resource Provision development and Schools' Accessibility programme.

6.3

	2024/25 Budget £'000	2024/25 current spend £'000	2025/26 Budget £'000	Total Budget £'000
Resource Provision schemes	1,072	378	2,047	3,119
Schools Accessibility schemes:				
- Mainstream schools	818	273	675	1,493
- Special schools / equipment	424	195	470	894
Total Scheme costs	2,314	846	3,192	5,506

- 6.4 The above budget position has been adjusted accordingly to account for expected scheme slippage and delay – with associated budget / spend profiled into 2025/26. The resource provision schemes, if successfully completed (across both financial years), would result in an increase of 100 placements since the commencement of Safety Valve programme.

6.5 Revenue Implications

The revenue cost of the 100 resource provision places, if successfully created, is estimated at £1.4m (circa £14k per place/pupil) and would be funded by the high needs dedicated schools grant funding (DSG).

- 6.6 The creation and use of these resource provision places would enable the authority to manage the increase in demand for SEND specialist places. It represents a value for money solution in lieu of placements in special schools (average unit cost of £22k) or independent non-maintained schools (average unit cost of £65k).
- 6.7 As an update report there are no direct procurement implications. Where third party support is required in the development and implementation of a new SEND Sufficiency Strategy, appropriate consideration to procurement activity must be given to ensure compliance with relevant procurement legislation (Public Contract Regulations 2015 or the Procurement Act 2023 whichever is applicable at the time) and the Council's own Financial and Procurement Procedure Rules

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 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 also has a duty to keep the education and care provision in its area for children and young people with SEN or a disability under review, including its sufficiency and in doing so must consult and work with children, young people, parents and providers. , 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.
- 7.4 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 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. SEND sufficiency 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 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 attached to the report at Appendix 4.

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 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 the education system in Rotherham.

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 being unable to successfully complete due diligence or receive DfE approval to develop new provision.
- 14. Accountable Officers**
Helen Sweaton – Joint Assistant Director, Commissioning, Performance and Quality

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	27/01/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	09/01/25
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	15/01/25

Report Author: Helen Sweaton Joint Assistant Director, Commissioning, Performance and Quality Helen.Sweaton@rotherham.gov.uk

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