

Committee Name and Date of Committee Meeting

Improving Lives Select Commission – 25 April 2023

Report Title

SEND Sufficiency Phase 4 update

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 of Children and Young People's Services

Report Author(s)

Mark Cummins SEND Transformation Project Lead

Mark.cummins@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The report gives an update on progress across CYPS SEND Sufficiency Phase 4 following the annual cabinet update for CYPS Safety Valve Agreement.

Recommendations

1. For the Improving Lives Select Commission to accept the report and note the progress made on SEND Sufficiency Phase 4.

List of Appendices Included

None

Background Papers

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

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

SEND Sufficiency Phase 4 update

1. Background

- 1.1 In Rotherham 19.7% of pupils have a statutory plan of Special Educational Need or Disability (SEND) with an Education Health Care Plan (EHCP) or are receiving SEND support (previously school action and school action plus). This compares to an average of 17.4% across all English Metropolitan Boroughs. 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 our 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 £4.32m 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 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 consistently does not provide stronger educational outcomes.
- 1.5 From 2018 onwards, Cabinet has approved three previous phases of SEND Sufficiency, each targeted at addressing incremental rises in SEND cohorts and creating or improving specialist education provision
 - In 2018, phase one of the Sufficiency Programme focused on increasing special school places in the Borough as indicated by the rapid growth in demand for all specialist provision. These plans led to increases in places at The Willows School (including post-16 provision), Kelford School and Abbey School. Initial development of resource provision places at Wales and Waverley were also included within phase 1.
 - The second phase of SEND Sufficiency focused on the need for more targeted provision for children with Autism Spectrum Disorder (ASD) and led to the development of new units at, Wath Victoria Primary School,

Brinsworth Academy and increased places at Milton School. There was also investment identified for post-16 provision at Thomas Rotherham College. As a consequence of this investment Rotherham has been better able to meet the needs of local children with autism and to place them in local schools.

- Phase three created specialist provision for children and young people with Social Emotional Mental Health (SEMH) needs who were previously placed in Pupil Referral Units. Through the DfE Free School Presumption Process, Elements Academy opened in September 2022. This phase also looked at redeveloping an existing special school in the Borough through significant investment in rebuilding the upper part of Newman Special School which is no longer fit for the purpose of the current education delivery and will be complete in July 2023.

1.6 The proposed focus of SEND Sufficiency phase 4 aligned to our Safety Valve Agreement is to work closely with schools within the Borough and the DfE to create 10 additional SEND resource bases within mainstream education settings which would create a minimum of 100 additional SEND places over the next 3 academic years.

1.7 The proposed profile of provision informed by current SEND needs and provision mapping would be to create the following:

- 2 Primary phase Social Emotional Mental Health resource base provisions – 20 places in total
- 2 Secondary phase Social Emotional Mental Health resource base provisions – 20 places in total
- 2 Primary phase Communication and interaction resource base provisions -20 places in total
- 2 Secondary phase Communication and interaction resource base provisions -20 places in total
- 2 Secondary Moderate Learning Difficulty resource base provisions -20 places in total
- Total minimum places – 100 places

1.8 The second proposed aspect of SEND sufficiency phase 4, is to support School Access Issues (in both Mainstream Schools and Special Schools) creating two funding streams which would be accessible through application and assessment for schools to request capital investment to support the schools to meet a higher threshold of SEND need through adaption to existing buildings and allow a wider level of complexity of need to be met within individual settings.

2. Key Issues

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 The development of resource provision through SEND Sufficiency Phase 4 will increase capacity for this provision type following an initial 8 resource provisions developed during previous rounds of SEND Sufficiency.
- 2.3 Currently 85 young people access resource provision across Rotherham with primary and secondary provisions across the following need types: Communication and Interaction, Moderate Learning Difficulty, Speech and Language and Hearing Impairment.
- 2.4 In November CYPS completed an Expression of Interest process to identify schools who are interested in hosting a resource provision as part of SEND Sufficiency Phase 4. In total 15 schools completed EOI's which matched well and, in some cases, exceeded the intended schedule of provision.
- 2.5 As part of the selection process a period of due diligence has taken place across schools identified for phase 1 of implementation, selection has included assessment against the capital required to adapt or build a suitable teaching space, teaching and curriculum model identified by the school and wider information such as existing inclusive practice and location factors.
- 2.6 Approval processes are in place both through our established SEND Sufficiency Board with all schools that successfully complete due diligence being required to complete a Department for Education Significant Change Business Case.
- 2.7 10 schools were identified for phase 1. Due diligence of 3 schools have progressed and are currently awaiting approval from the DfE to formalise their provision with additional SEND places becoming available in September 2023. Additional places will increase over time as more schools are approved.
- 2.8 To support development and implementation of the capital Accessibility Funding Streams work has been ongoing to update CYPS Schools Accessibility Strategy
- 2.9 The School's Accessibility Strategy outlines the LA support and schools statutory responsibilities to improve accessibility in schools across three core areas:
- Increased access to the curriculum for disabled pupils
 - Improvements to the physical environment to increase access to education and associated services at the school
 - Improvements in the provision of information for disabled pupils and parents
- 2.10 SEND Sufficiency Phase 4 Capital Accessibility Funding is available for the next 3 years across both mainstream and special schools.
- 2.11 Capital Funding will increase access to the curriculum and the physical environment for identified cohorts of SEND pupils in both mainstream and

specialist settings meeting outcomes identified within the LA's School's Accessibility Strategy.

- 2.12 Next steps in relation to Accessibility Funding include continued engagement with schools to identify particular themes and gaps, confirmation of capital funding criteria, selection process and timescales for the funding programme.
- 2.13 Workstreams across SEND Sufficiency Phase 4 are managed by a number of dedicated multi-agency sub-groups across core areas of commissioning, capital and revenue funding and service development alongside the Specialist Inclusion Service.
- 2.14 All sub-groups report to the SEND Sufficiency Board which membership consists of colleagues across Commissioning, Inclusion, Finance, Asset Management, Performance and Legal Services. Rotherham Parent Carer Forum have representation across the sub-groups and at the SEND Sufficiency Board.

3. Options considered and recommended proposal

- 3.1 This report is for information purposes and to provide feedback on the progress made to date on SEND Sufficiency Phase 4

4. Consultation on proposal

- 4.1 There are no specific proposals as the report is for information and feedback purposes only

5. Timetable and Accountability for Implementing this Decision

- 5.1 For information purposes a timeline of key activities undertaken so far is included below:

5.2 Resource Provision Timeline

Cabinet Approval for SEND Sufficiency Phase 4 – October 2022
Resource Provision Expression of Interest window – November- December 2022
Due Diligence process phase 1 – January – March 2023
SEND Sufficiency Board and DfE Approvals – February 2023 onwards
Additional SEND school places – September 2023 onwards

5.3 Accessibility Funding

Consultation and Update School's Accessibility Strategy – January – March 2023
Market Engagement with Schools – January – March 2023
Accessibility Funding grant process established – May 2023

6. Financial and Procurement Advice and Implications

- 6.1 The generic High Needs Capital allocation of £3.16m has been increased by £4.32m specifically to support delivery of the Safety Valve programme following a capital application to the DfE.
- 6.2 The SEND Phase 4 sufficiency proposals form part of the Safety Valve programme. As outlined in the report these works, if agreed, would cost £6.3m and be funded from the revised 2022/23 High Needs Capital allocation of £7.48m.

Capital

The two schemes are summarised as follows:

- 6.3 **Create 10 Additional Resource Centres** through use of existing school buildings, refurbish blank school capacity and build purpose-built spaces, with an estimated capital cost of £3.3 million.
- 6.4 **School Access Issues** for significant adaptation to buildings. A fund of £3 million over 4 years created and shared equally between Mainstream Schools (£375k per annum) and Special Schools (£375k per annum). All consideration for investment would seek capital contribution from schools and academies.
- 6.5 Re-purposing buildings and significant adaptations will ensure the borough is equipped to meet the demands of the gradual growth in SEND cohorts.

Revenue - Dedicated Schools Grant

- 6.6 Resource bases are funded from both the Schools Block and the High Needs Block of the Dedicated Schools Grant at an average cost of £14k per place. Through the creation of this provision, it will reduce the need for special school places which cost on average £22k and the need for independent sector places which cost on average £65k per annum.
- 6.7 The introduction of resource bases will assist Rotherham SEND pupils to continue to access education in the borough with no need to access provision outside. Enhancing borough wide provision would avoid financial risk on the Dedicated School Grant. Set up costs of the resource units would be funded from the High Needs Block.
- 6.8 Where there is a need to secure third party organisations to deliver the works required to fulfil the recommendations detailed in this report, these will need to be procured in accordance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7 Legal Advice and Implications

- 7.1 There are no legal implications within this report.

8 Human Resources Advice and Implications

- 8.1 HR continue to provide advice and support with recruitment and staffing arrangements linked to the safety valve and the wider LAC Sufficiency plan.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 SEND Sufficiency Phase 4 continues to have a direct impact on SEND strategy, funding, SEND provision development , and all education settings within the borough.

10. Equalities and Human Rights Advice and Implications

- 10.1 A full Equalities Impact Assessment has been completed as part of the wider Safety Valve update to Cabinet.

11. Implications for CO₂ Emissions and Climate Change

- 11.1 All areas of SEND Sufficiency, student placed planning (inclusive of circa at least 150+ 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 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. 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 set against sufficiency planning and mitigations aren't effective. This would be exaggerated by lack of capital investment from DfE to support Rotherham to deliver its sufficiency planning.

Accountable Officer(s)

Name, Helen Sweaton – Joint Assistant Director Commissioning, Performance and Quality

Name, Mark Cummins – SEND Transformation project Lead

Approvals obtained on behalf of:

	Name	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.
Head of Human Resources (if appropriate)		Click here to enter a date.
The Strategic Director with responsibility for this report	Nicola Curley, Strategic Director, Children & Young Peoples Service	12/04/23
Consultation undertaken with the relevant Cabinet Member	Please select the relevant Cabinet Member	Click here to enter a date.

Report Author: Mark Cummins, SEND Mark Cummins SEND Transformation Project Lead

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