

<b>Mr Burrett, Cabinet Member for Education and Skills (and Deputy Leader)</b>	<b>Ref No:</b>
<b>November 2019</b>	<b>Key Decision: Yes</b>
<b>Expansion of Specialist Support Centres for children with SEND (Phase 2 and 3)</b>	<b>Part I</b>
<b>Report by Director of Education and Skills</b>	<b>Electoral Divisions: All</b>

### **Summary**

There is a need to reduce the number of children and young people with special educational needs and disabilities (SEND) moving from maintained schools and academies into costly out of county education provision. Increasing provision for children and young people with SEND through the creation of additional places in Special Support Centres (SSCs) will assist with the aim of enabling children to attend school locally.

It has been identified that children with autism and/or social, emotional and mental health needs are more likely to move into independent and non-maintained schools (INMS) because it is currently not possible to meet their needs in maintained schools and academies. By creating more provision to meet these areas of need the County Council will be able to reduce spending on both expensive placements at INMS and costs associated with transporting children to out of county provision.

After an initial review of sites and need, it became clear that four SSC's could be opened fairly quickly and cheaply as they would not require extensive building work and so could be delivered without the need to obtain planning permission. These were therefore selected as part of Phase 1 of this project and a Cabinet Member Decision was taken in December 2018 ([decision reference ES15\(18/19\)](#)) to progress with this first phase.

Phases 2 and 3 of this workstream to provide additional Special Support Centres were included as part of the 2020/21 budget options discussed by Cabinet at its public meeting on 11<sup>th</sup> July. This budget option also included the proposal to bring forward phase 3 to the same timescales as phase 2, i.e. the intention would be that all SSCs would be built by September 2020. This was endorsed by Cabinet and therefore over the summer discussions have been taking place with a number of schools to see if any potential Phase 3 schemes could be accelerated. This work is still on-going and a list of potential schemes and timescales is still being finalised.

### **West Sussex Plan: Policy Impact and Context**

Best Start in Life: the proposal will positively impact on the outcomes for children and young people with SEND and enable them to be educated locally. It is also a key part of the SEND and Inclusion Strategy 2019 - 2024.

### **Financial Impact**

The cost savings that arise from educating children in local schools will increase year on year. Initially there will be a capital investment and an increase in revenue spending but the table below shows the possible savings that could be delivered based on an additional 84 new places for children in the SSCs planned for phases 2

and 3.

	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Gross Saving	2.058	1.470	Nil	3.528
Investment	-0.883	-0.595	Nil	-1.428
<b>Net Saving</b>	<b>1.225</b>	<b>0.875</b>	<b>Nil</b>	<b>2.100</b>

## **Recommendations**

The Cabinet Member for Education and Skills is asked to approve the second phase of the project for opening additional Special Support Centres places attached to schools for opening in September 2020 and bring forward from 2021 to 2020 phase 3 of the SSC investment programme

## **Proposal**

### **1. Background and Context**

- 1.1 The Draft SEND and Inclusion Strategy 2019-2024 (Appendix 1), along with the accompanying implementation plan, sets out how the County Council will support the inclusion of all children and young people, with a particular focus on those with Special Educational Needs and Disabilities (SEND).
- 1.2 The vision is that all children and young people in West Sussex will, irrespective of their learning needs or abilities, gain the skills and confidence to live well in their community. They will be supported and nurtured through an educational system that responds to their circumstances and prepares them for adulthood.
- 1.3 Within the Strategy three priorities have been identified:
  - Knowing our children and families well (an inclusive, person centred approach).
  - Meeting the needs of our children and young people through our schools, educational settings and services.
  - Working together towards solutions (collective responsibility).
- 1.4 As part of the new strategy, a review of existing specialist provision has been undertaken. In addition, the number of children with SEND that are educated in placements out of the county as their needs are not able to be met in maintained schools or Academies has also been reviewed.
- 1.5 The High Needs Block funding from the Department for Education is currently no longer sufficient to meet the increasing costs of providing for the number of children with Education Health and Care Plans (EHCPs). In March 2015 3,423 children and young people in West Sussex had EHCPs and by June 2019 this number had risen to 5,440.
- 1.6 The needs of children with SEND are also becoming more complex and this is driving increased financial pressures across the system. There is a shortage of local specialist educational provision to meet need, particularly in relation

to Autism Spectrum Disorder (ASD) and Social, Emotional and Mental Health Needs (SEMH), and this is resulting in the County Council needing to increase the number of children educated in specialist placements with independent providers. There is also an increased demand for top-up funding across all settings.

- 1.7 There is a lack of capacity within mainstream schools to provide a graduated response to additional needs. Many schools are facing financial pressures and therefore do not have the capacity to provide additional support to pupils. As a result, this is driving up the demand for more specialist education services, as children with low level SEND who could potentially attend mainstream schools are being educated in more specialist provision. This is coupled with an increase in the number of pupils being excluded and the need to provide costly alternative provision. Parental requests for specific high cost placements and tribunal decisions to support parental preference are also further driving demands on the Dedicated Schools Grant High Needs Block.
- 1.8 The new SEND and Inclusion Strategy proposes increasing provision for children and young people with SEND by increasing the number of classrooms in maintained special schools and through the creation of additional Special Support Centres (SSCs) in maintained mainstream schools. Special Support Centres are units attached to mainstream schools which offer additionally-resourced provision for children with particular types of SEND. There are currently 32 SSCs across West Sussex in the primary and secondary phases for the following areas of need: Physical Disability, Social Communication/Autistic Spectrum Condition, Speech and Language Difficulties, Additional Learning Needs and Sensory Impairment.
- 1.9 Through increasing provision in this manner it will be possible to educate children locally and reduce the costs associated with educating children out of county in Independent Non-Maintained Special Schools. There will also be a potential reduction in transport costs by placing children more locally.
- 1.10 Phase 1 of this project will result in the creation of four additional SSCs. Two are attached to maintained nurseries (and are complete) and two are attached to primary schools (one is complete and the other will be completed in March 2020).

## **2 Proposals**

- 2.1 For phases 2 and 3, it is proposed to increase the number of places in SSCs in mainstream schools by up to 84 additional places at a potential capital cost of £3.69m. This could deliver additional places for children with communication and interaction needs, including autism, and SEMH. It is anticipated that secondary centres would accommodate up to 20 children per unit.
- 2.2 Further feasibility studies are currently being carried out on a number of additional school sites, with the potential for up to 84 places being created in line with a needs analysis (geographical area and positive response from schools with suitable sites). The aim is to have all studies undertaken and costed by early January 2020. The 84 additional SSCs places are likely to be sited in modular buildings which will require planning permission and therefore take longer to deliver. The potential opening dates for the phase 2 and 3 sites are

September 2020 and September 2021 respectively.

- 2.3 If approved, further detail will be developed as part of a full business case that would be taken through the Council's capital governance procedures to assess feasibility and priority for capital programme funding. A summary of the current list of schools that are part of the consultation is set out in the table below:

Setting	Primary/ Secondary/ Nursery	Number of places/need type		District Council Planning Area	Education Area
Chesswood	P	12	COIN	Worthing	South
Chichester Nursery	N	8 FTE	COIN	Chichester	West
Downsbrook/Edward Bryant	P	12	COIN	Arun	South
Felpham – if not expanding The Regis	S	12/18	COIN	Arun	South
Greenway	P	12	SEMH	Horsham	Mid
Horsham Nursery	N	8FTE	COIN	Horsham	Mid
Ifield Community College	S	18	COIN	Crawley	North
Maidenbower Infants	P	12	COIN	Crawley	North
Midhurst Primary	P	12	SEMH	Chichester	West
Northlands Wood	P	12	COIN	Haywards Heath	Mid
St Margaret's Primary, Angmering	P	12	COIN	Arun	South
The Regis	S	Potential expansion+12	COIN	Arun	South
Three Bridges Primary	P	Expansion+4	COIN	Crawley	North
Warden Park	S	Potential expansion+12	COIN	Mid Sussex	Mid
West Park primary	P	Potential expansion+4/8	COIN	Worthing	South
Barnham Primary	P	Potential expansion tbc	COIN	Arun	South

COIN (Communication and Interaction Needs - Speech and Language and Autism included)  
SEMH (Social, emotional and mental health)

Phase 1 new	
Phase 2/3 new	
Phase 2/3 expansions	

## FACTORS TAKEN INTO ACCOUNT

### 3 Consultation

- 3.1 A number of schools have been approached to explore opportunities for the development or expansion of SSC places based upon geography and identified need; the potential for development (available land) and the interest from the school in having - or expanding such facilities. Further external and internal consultation will be undertaken as part of the prescribed alteration formal consultation process.

- 3.2 There was a positive response to increasing provision for children with SEND from a range of stakeholders including West Sussex Parent Carer Forum during the consultation process undertaken as part of development of the SEND and Inclusion Strategy in the summer of 2019.
- 3.3 The Cabinet Member for Finance and Resources and Cabinet Member for Children and Young People have been briefed on the proposal and are broadly supportive of the suggested approach.
- 3.4 The Children and Young People's Services Select Committee will preview the decision at the meeting on 23 October 2019.

#### **4 Financial (revenue and capital) and Resource Implications**

##### **4.1 Revenue**

- 4.1.1 The core funding for places in an SSC comes through a combination of the basic entitlement per pupil funding (c.£4,000) through the schools block formula plus £6,000 per place from the high needs block for those occupied by pupils on roll. Any top-up funding is dependent on the needs of the child being placed. The average top-up amount in an SSC is £7,000 per year.
- 4.1.2 Unfortunately the basic entitlement funding paid through the schools block is based on the number of pupils on roll at the school at the time of the October census of the preceding year. Therefore, if an SSC were to open in September 2020, the school would not receive any basic entitlement funding until the following financial year (based on the numbers on roll in October 2020). In the first year therefore, the high needs block will also need to fund an additional £4,000 per place to ensure that the core funding per place amounts to £10,000 per year.
- 4.1.3 Funding for school age pupils with EHCPs is dependent on their setting. Special school placements are totally funded from the high needs block and on average cost £17,000 per place, whereas a non-maintained independent specialist placement is funded through a combination of direct funding from the Department of Education (£10,000 core funding) and the high needs block (top-up funding).
- 4.1.4 The average educational cost of a SEND pupil placed in an independent non-maintained setting is £42,000 per annum. Therefore, the potential high needs cost avoidance saving is £42,000 per place. Even if the pupil being placed in the new SSC may have gone to a special school, this will still mean that an additional special school placement will become available for another child who would otherwise have needed to be placed in the independent sector.
- 4.1.5 Therefore, for phases 2 and 3, assuming an additional 84 places this would potentially save £3.528m (84\*£0.042m) from the Independent and Non-Maintained Special Schools budget in a full year, but would cost an additional £1.428m (84\*£0.017m) in core and top-up funding to the new SSCs.

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4.1.6 The timing of the savings set out above is ambitious as the cost avoidance savings in reality will only be generated as and when future young people with an EHCP are to be placed in an educational setting, and not as soon as the new facilities have been created. However, the work being carried out as part of the new SEND and Inclusion Strategy will help to facilitate these savings.

## 4.2 Capital

4.2.1 The current Capital Programme for 19/20 – 23/24 includes a total budget of £2.845m for investment in new SSCs:

- £1.000m – Corporate borrowing to fund the cost of the capital building works for the four new SSCs in Phase 1.
- £1.845m - Revenue contribution from the Education and Skills 2019/20 budget for the purposes of investing in additional SSCs as part of Phase 2. These monies are currently being held in an SSC Capital Reserve.

4.2.2 No funds have been set aside in the current Capital Programme for 19/20 – 23/24 to pay for the cost of the capital building works for the new SSCs in phase 3. It is therefore proposed as part of the new SEND and Inclusion Strategy to transfer a further £1.845m from the Education and Skills 2020/21 revenue budget into reserves in order to help pay for the capital costs of the phase 3 sites.

4.2.3 As a result of the proposed capital works set out in this paper, and in order to deliver the revenue savings set out above, the following changes will need to be made to the Capital Programme for the SSC investment programme:

	Current Year 2019/20 £m	Year 2 2020/21 £m	Year 3 2021/22 £m	Year 4 2022/23 £m
Existing Capital budget	0	1.000	0	1.845
Change from Proposal	1.000	2.690	0	-1.845
Proposed Capital budget	1.000	3.690	0	0

4.2.4 In addition to the funding set out above, monies will also be required from the Feasibility Fund in order to pay for the feasibility works required for the SEND capital works.

4.2.5 A full business case to support the proposals set out in this report will need to be written for consideration within the County Council's capital programme

governance and subsequent prioritisation within the capital programme. Any specific schemes that are brought forward will be subject to their own approval process with key decisions being required for those which meet the key decision criteria.

## 5 **Legal Implications**

5.1 None

## 6 **Risk Assessment Implications and Mitigations**

Risk of not approving the strategy and its implementation	Mitigating Action (in place or planned)
The County Council will not meet the increasing demand on services for children with SEND with associated significant financial and reputational risk	There is currently no mitigating action in place or planned
The County Council will not achieve the SEND and inclusion strategy 2019 to 2024 objectives	There is currently no mitigating action in place or planned

## 7. **Other Options Considered** (and reasons for not proposing)

7.1 Do nothing – Do not provide any more SSC places. Forecasts of increased SEND demand and analysis of current performance by benchmarking against other authorities shows that a 'do nothing' option is not appropriate.

## 8. **Equality and Human Rights Assessment**

8.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.

8.2 The SEND & Inclusion strategy will help all children and young people (0-25) in West Sussex, irrespective of their learning needs to achieve the skills and confidence they require to make a positive contribution to the community in which they live. They will be supported and nurtured through a local educational system that responds to their diverse circumstances and prepares them for adulthood. An Equalities Impact Analysis has been undertaken for the SEND and Inclusion strategy 2019 to 2024. This analysis has not identified any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed within the strategy.

8.3 Engagement responses during the SEND and Inclusion Strategy 2019 to 2024 consultation have highlighted some equalities issues (for example the need to home educate because of no suitable local provision to meet the need) which will be addressed.

## **9. Social Value and Sustainability Assessment**

9.1 None for the purpose of this report

## **10. Crime and Disorder Reduction Assessment**

10.1 None for the purpose of this report

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### **Appendices**

Appendix B – Draft SEND and Inclusion Strategy

**Background Papers - None**