

Special Educational Needs and Disability (SEND) Capital Investment Strategy

Cabinet

Date: 6th December 2017

Author:	Cabinet Member for Children Service's and School Attainment Corporate Director Children's Services / Head of Education
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 The report sets out the strategy for the allocation of capital funding specifically for provision that serves children with Special Educational Needs and Disability in Swindon.
- 1.2 The report is necessary to set out the draft investment strategy and propose consultation in order to comply with the Department for Education requirements to access the first tranche of funding on the 1st April 2018.
- 1.3 This report supports the Priority Two of the Vision to "Offer education opportunities that lead to the right skills and right jobs in the right places".

2. Recommendations

Cabinet is recommended to:

- 2.1 Approve the draft Special Educational Needs and Disability Capital Investment Strategy attached at Appendix One as the basis for further consultation with stakeholders.
- 2.2 Authorise the Head of Education, in consultation with the Cabinet Member for Children's Services and School Attainment, to conduct a consultation with local providers, parents and stakeholders on the draft strategy attached at Appendix 1 and to report to Cabinet in February 2018 on the outcome.
- 2.3 Authorise the Head of Education in consultation with the Director of Finance (Section 151 Officer) to retain £40,000 of the investment strategy as an access fund for the Local Authority to commission low level adjustments to schools as set out in paragraph 3.10 below.

3. Detail

Background

- 3.1 The Children and Families Act 2014 places important statutory responsibilities on Local Authorities to support children and young people with special educational needs and disabilities (SEND).

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- 3.2 Swindon currently has 1752 children and young people receiving support in education provision through an Education, Health and Care plan (EHCP), which equates to 3.7% of the total school population (compared to 2.7% nationally).
- 3.3 Proportionately this is a high level of EHCP's, therefore the priorities for the funding set out in paragraph 3.12 below is to promote inclusion into mainstream schools. The table below shows the type of education provision where these children and young people have been supported over the last 2 years that could apply for the Special Capital Fund.

Type of provision	2016	2017
Mainstream school	38.8%	38.2%
Special Resource Provision (SRP) established within a mainstream school	12.1%	8.6%
Special School	35.1%	38.3%
Out of Borough placement	2.9%	1.5%
Post-16 Further Education establishment	5.9%	8.7%
Education Other than at School (EOTAS)	2.6%	1.0%
Educated Elsewhere	2.4%	3.7%

- 3.4 To support this responsibility on the 4th March 2017 the Department for Education (DfE) announced an allocation specifically for capital investment in provision for pupils with Special Educational Needs and Disability. Swindon was allocated £977,620 over three years from April 2018 (£325,873 per year).
- 3.5 Whilst the investment from central government is welcome, it is recognised that the level of funding allocated is not sufficient to create new or fundamentally improve and update the provision for SEND across the Borough.
- 3.6 Swindon has invested significantly in provision for children and young people with SEND by committing £11.6m since 2011 to number of capital projects. In addition the Local Authority has supported the creation of a new secondary age Autistic Free School opening in September 2018. Therefore, in this context it is proposed that the SEND Capital Investment Fund from the DfE will be used for a number of smaller schemes.
- 3.7 The Special Provision Capital Fund is intended to support Local Authorities invest in provision for children and young people with SEND aged 0-25 to improve the quality and range of provision available to the Local Authority. It is intended for the children and young people with Education, Health and Care plans (EHCP) for whom the Local Authority is responsible.

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3.8 This funding can be invested in mainstream schools and Academies, special units, special schools and academies, early year's settings, further education colleges or to make other provision for children and young people aged from 0 to 25.

3.9 Local Authorities can invest their share of the special provision capital fund in:

3.9.1 Creating new (additional) places at good or outstanding provision and

3.9.2 Improving facilities or developing new facilities

Priorities for funding

3.10 It is proposed to retain £40,000 of the Special Provision Capital Fund as an access fund for the Local Authority to commission low level adjustments to schools in order to support a placement proposed in the EHCP.

3.11 In recognising the comparatively low level of the SEND Capital Investment Fund the Local Authority would want to invest in as many schemes as possible that meet the priorities to enable a greater proportion of children with SEND to benefit from this fund.

3.12 Therefore, the Local Authority proposes to open a bidding round for match funded projects in order to increase the overall level of investment in SEND provision, but also meet as wide a range of needs as possible. The bids are proposed to be considered against the following criteria, which are linked to current priorities:

3.12.1 Social Emotional and Mental Health by promoting inclusion in mainstream schools resulting in a reduction of fixed term exclusions and increased attendance levels, for example a nurture provision.

3.12.2 Physical Disability by promoting inclusion in mainstream schools so the needs of pupils with physical disabilities can be met, for example, lifts, ramps or any building adjustments.

3.12.3 Projects that promote greater inclusion of pupils with Education Health and Care Plans into mainstream school settings.

3.12.4 Early intervention with the aim to either strengthen earlier interventions on the graduated response and/or improve attainment and progress outcomes.

3.12.5 Greater weight within each category will be given to joint schemes of more than one provider, where the improvements can be shared across a wider base and cohort.

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- 3.13 It is proposed to set a minimum level of the bid at £2,000 and the maximum £50,000, in addition the projects should be match funded by the provider at least 50%. Bids will be invited from providers between 2nd April 2018 and 4th May 2018 in order to try and approve some schemes required for the September 2018 intake. However, remaining funding can be allocated outside of this initial bidding window on a rolling basis and additional windows will be communicated to education providers when available.

Requirements to access funding

- 3.14 The DfE will require the Local Authority to complete and publish a plan that sets out how they intend to invest their allocation, which is visible to parents, carers and other local groups. The plan for Local Authorities' SEND capital provision allocations should sit coherently with their wider plan.
- 3.15 As a result Swindon will need to complete the following actions before receiving the funding:
- 3.15.1 Consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities on the draft investment strategy attached at Appendix 1.
 - 3.15.2 As part of the consultation the Local Authority must work with education providers to agree how the capital can best be targeted.
 - 3.15.3 The Local Authority must confirm that the requirement to consult with parents, carers and young people has been met, and including information about the other groups that they have consulted. It is intended to fulfil the requirement by reporting the outcome of the consultation and discussions to Cabinet in February 2018.
 - 3.15.4 Publish an approved plan on the Swindon local offer page showing how they plan to invest their funding.
- 3.16 A draft strategy is attached at Appendix 1 and has been produced based on priorities for SEND identified in the emerging High Needs Funding Review, the SEND action plan and the Joint Commissioning Plan.
- 3.17 It is the intention to consult on the draft strategy during late December 2017 and January 2018. The consultation will involve public meetings on the proposals as well as accessing children and young people and parents through established networks.
- 3.18 The results of the consultation will be reported to Cabinet at its meeting in February 2018 with the intention of publishing the strategy on the Local Offer
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website by the 14th March 2018 to ensure the first tranche of funding is allocated to Swindon.

4. Alternative Options

- 4.1 No alternative options have been proposed as the investment strategy is subject to local consultation and alternative options can be reported to the Cabinet meeting in February 2018.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Government capital grant allocations for capital spending on schools have been significantly reduced in recent years and are highly unlikely to be sufficient to meet the needs of existing schools and the requirement to fund new ones. Any shortfall will result in the Council entering into additional borrowing to support identified needs as has been the case over recent years.
- 5.2 Levels of overall debt have increased considerably over the last few years to fund capital investment, with overall Council general fund debt currently £89m (although an underlying borrowing requirement is £261m) and net debt charges of £9.7m pa. Options for expansion of schools should, therefore, consider all possible options in order to try to minimise the effect on the revenue budget of increased debt.
- 5.3 All capital proposals will affect the Dedicated Schools Grant (DSG) although DfE are recognising pupil growth in annual grant settlements albeit on a lagged basis for mainstream pupils. This means that the LA has to top slice the DSG each year in relation to “pre-opening start-up costs”, “trigger” funding (the increased revenue funding provided to schools that have an in-year increase in pupil numbers over a certain threshold) and “set-up” costs (the provision of furniture and equipment for additional classrooms). As the number of new and growing schools increase, the amount of growth funding required increases and reduces the amount of funding that is available to be distributed to established schools.
- 5.4 As a consequence of the DfE’s school funding reform programme, the Local Authority need to consult formally with each sector of the Schools Forum to seek agreement to the policies by which funding is allocated and the levels of funding proposed in advance of each financial year.

Legal and Human Rights Implications

- 5.5 The Council has a responsibility to ensure that there are sufficient school places available. The Education and Inspections Act 2006 requires Local Authorities to

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promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places.

- 5.6 Human rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.7 Implications relating to sustainability and health are included within the criteria included in the draft strategy.

Diversity Impact Assessment

- 5.8 A DIA for the School Place Planning Strategy was attached to the September 2016 Cabinet report, and this is applicable to the proposals in this report. A copy of the report is available on request from the report author. No implications have been identified.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Draft SEND Capital Investment Strategy (Appendix 1)

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for December 2017.