

Special Education Needs and Disability Capital Investment Fund – Draft for consultation

Priorities for investment

Proportionally, Swindon has a large number of specialist school places and a high percentage of EHCP's compared to other Local Authorities. Although there is growth in the Borough, the SEND Capital Fund will not provide an adequate budget to create new specialist provision. Therefore, given the breadth of provision that already exists and is planned for the future the Local Authority proposes that this investment fund should be focused on providing better access and improvements to existing places.

The special educational needs and disabilities (SEND) strategies and emerging reviews have identified the areas where investment in creating new or improving existing provision would support the strategic commissioning aims of the Local Authority, Providers, Parents and Pupils.

Background

The Children and Families Act 2014 places important statutory responsibilities on local authorities for supporting children and young people with special educational needs and disabilities (SEND). This is a vital role that local authorities retain in an increasingly school-led education system and one that requires long-term strategic planning, informed by detailed local knowledge enhanced through consultation with parents and carers, and good relationships with local schools. Local authorities must ensure there are sufficient good school places for all pupils, including those with SEND.

To support this responsibility on the 4th March 2017 the Department for Education (DfE) announced capital allocations 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).

Whilst the investment from central government is welcome, it is recognised that the level of funding allocated would not stretch to create, improve and update the provision for SEND required across the Borough.

Swindon has invested significantly in the provision exclusively for SEND by committing £11.6m since 2011 on a 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 the SEND Capital Investment Fund from the DfE will only stretch to a number of smaller schemes to try and widen the reach of this investment.

The capital fund is to support local authorities to 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 for whom the local authority is responsible. It is entirely legitimate for the local authority to spend some of the capital funding on provision that happens to lie outside the local authority's boundaries, if the local authority places children and young people there and believes that the capital investment will improve the quality and range of provision available.

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

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

- Creating new (additional) places at good or outstanding provision

- Improving facilities or developing new facilities

This can be through:

- Expansion(s) to existing provision including at the same site or at a different site.
- Reconfiguring provision to make available the space for the additional places or facilities.
- Re-purposing areas so that they meet the needs of pupils with special educational needs and disabilities.
- Other capital transactions that result in new (additional) places or facilities' improvements
- Investing in provision that is located in another local authority where this supports providing good outcomes for children in their area.

The DfE will require the Local Authority to complete and publish a short 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. Local authorities are required to take the following steps to access their funding.

Before receiving the funding, local authorities need to:

- Consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities.
- Work with education providers to agree how the capital can best be targeted.
- Fill in the short plan template, confirming 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.
- Publish a plan on their local offer page showing how they plan to invest their funding, before the deadline specified below.

In 2017 the Local Authority commissioned a High Needs Review to investigate value for money and recommendations for the how the High Needs funding block should be prioritised. The review is an emerging document, but been used to inform this SEND Capital Investment Strategy.

In addition the Local Authority is producing a SEND Joint Strategic Needs Assessment (JSNA) to understand Swindon's changing population, the factors that affect education, health and wellbeing and the implications for future services that are vital in setting priorities and planning future services to improve the outcomes for children and young people with SEND.

The SEND Performance Improvement Plan and the SEND Joint Action Plan have also been used to inform this SEND Capital Investment Strategy.

Consultation process

The DfE require consultation with parents and carers of children with SEN and disabilities and young people with SEN and disabilities on the draft SEND Capital Investment Strategy. The approved strategy must be published on Swindon's Local Offer by Wednesday 14th March 2018 in order to draw down the funding. Therefore the key dates for approving the strategy are set out below:

- *Member approval for consultation to commence (Dec 2017 Cabinet)*
- *Consultation with parents, providers and other stakeholders – 6 weeks (Dec 2017/Jan 2018)*
- *Member approval for the final plan (Feb 2018 Cabinet)*
- *Publish plan on the local offer*

Consultation with parents and carers, young people, providers and other stakeholders will involve public meetings on the proposals as well as accessing children and young people and parents through established networks.

How funding will be allocated

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.

Therefore, the Local Authority propose 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.

A minimum level of the bid is £2,000 and the maximum £50,000, in addition the projects will be match funded by the provider at 50%. Funding will be allocated to projects in criteria order until the funding limit has been reached. The bid will be scored against the following criteria (out of 100 points), which are linked to the priorities:

- Social Emotional and Mental Health by promoting inclusion in mainstream resulting in a reduction of fixed term exclusions and increased attendance levels, for example a nurture provision (30 points).
- Physical Disability by promoting inclusion so the needs of pupils with physical disabilities can be met, for example, lifts, ramps or any building adjustments (30 points).
- Projects that promote greater inclusion of students with Education Health and Care Plans into mainstream school settings (20 points).
- Early intervention with aim to either strengthening earlier interventions on the graduated response and/or improve attainment and progress outcomes (10 points)
- Supporting evidence of the proposal in the form of plans and/or quotes to support the allocation of funding and proof of deliverability (10 points)

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.

The criteria should not put off applications for the capital fund as allocations will be based on the level of funding available, in addition applications will enable the Local Authority to collect information on provision required for SEND investment to inform potential future allocations.

It is proposed to retain £40,000 of the investment strategy 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. The responsibility for identification of projects will rest with the Head of SEND, the Commissioner for SEND and the Commissioner for Education Place Planning. Any surplus from the access fund will be carried forward into the following years bidding round.

Academies (who have a lease) carrying out works will need to refer to their Lease and apply for a Licence to Alter from Property Assets (if appropriate) before undertaking any works, the costs for undertaking the administration works for the Licence is charged to the Academy.

Maintained schools carrying out works will need to complete a Proposed Alterations form before undertaking any works.

Timescale and decision making

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.

Bids will be scored against the criteria and considered by a SEND Capital Panel. It is proposed that the Panel will include representatives from Education, Health and Social Care. The Local Authority will also request parental representation through the Contact service.

The final allocation of funding and the decision on all schemes will be approved by the Director of Children Service's delegated authority and then published on the Local Offer website. Legal advisors will be instructed to enter into contract before the release of funding.