

CABINET

21 NOVEMBER 2017

SPECIAL EDUCATIONAL NEEDS CAPITAL PROGRAMME

Portfolio Holder:	Councillor Andrew Mackness, Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of Children and Adults Services
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Summary

This report outlines the proposed Special Educational Needs Capital Programme for the central government funding initiative. Cabinet is asked to consider the report, note the positive impact this programme can have for pupils with special educational needs and authorise officers to commence the development of the programme and the necessary consultation, design and tender processes required to implement this programme.

1. Budget and Policy Framework

- 1.1 All proposals and recommendations in this report are consistent with the School Organisation Plan Principles and the Special Educational Needs (SEN) strategy as well as the Council Plan Priority of 'Supporting Medway's people to realise their potential', and the outcome of 'All children achieving their potential in schools'. The proposals, if approved, will be delivered through available funding from the central government grant to the Council ring fenced for SEN capital projects and therefore this is a matter for Cabinet.

2. Background

- 2.1 Central Government has announced an initiative to fund capital projects to support special educational provision in the local authority.
- 2.2 The criteria for the funding are set out within recent Department for Education (DfE) guidance, which states that the funding is for local authority investment in provision for children and young people with SEN and disabilities (SEND) aged 0-25 to improve the quality and range of provision available to the local authority. It is intended for the benefit of children and young people with

Education, Health and Care Plans (EHCP) for whom the local authority is responsible.

- 2.3 The funding can be invested in creating new or additional places at good or outstanding provision, improving current facilities or developing new facilities. The range of provision types are as follows:
- Mainstream school/academy or college;
 - Special Unit or resourced provision;
 - Special school or academy;
 - Pupil referral unit or academy;
 - Nursery or early years provider; and
 - Other provision – where attended by pupils who have EHCP and are aged 0-25.
- 2.4 The funding is not intended for, amongst others, expanding provision specially to create additional places for pupils who do not have EHCPs, or maintenance work that schools are required to fund such as ramps and wider doorways for pupils with mobility needs.
- 2.5 The guidance states that consultation with local stakeholders must take place. It is also clear that local authorities are required to complete and publish a concise plan to show how they intend to invest their share of the funding prior to any funding being received. Prior to receiving funding local authorities need to:
- Consult with parents and carers;
 - Consult with schools, Further Education colleges, and other institutions which offer special education provision;
 - Consider how best to invest the funding strategically;
 - Collaborate with other local authorities where appropriate;
 - Complete a short plan template confirming that consultation has taken place and with whom; and
 - Publish the plan on the local offer page outlining how they intend to invest the funding.
- 2.6 Medway has been allocated £459,000 over each of 2018, 2019 and 2020, totalling £1,377,000. It is anticipated that the first tranche of funding will be not be received until the summer of 2018 subject to satisfactory completion of consultation.
- 2.7 This funding initiative offers an excellent opportunity to provide additional SEN provision as well as creating more suitable and appropriate environments for children with SEND to benefit their education experience. These projects will complement the recent expansions at Abbey Court and Danecourt Special Schools which have provided much needed additional capacity within these schools, providing appropriate environments for the needs of the children.
- 2.8 A range of projects will be developed in line with the criteria set by central government, which will meet the needs of children and young people with SEN in a variety of ways.

3. Options

3.1 The programme will be developed in line with the Council's SEN Strategy and following a robust analysis of the need. The SEN strategy has the following priorities around which the programme will be founded:

- All children should start their education and continue to be educated alongside their peers within their local community.
- We will ensure a smooth education pathway from childhood to adulthood for children and young people with SEND.
- We will ensure that children and young people with SEND are provided with opportunities to develop resilience and learn to be as independent as possible, as they transition to adulthood.
- We will expect all providers to ensure high quality educational provision, particularly in mainstream schools and further education colleges, for all children and young people with SEND.

3.2 This will be achieved by working in partnership with various providers of special education be it through mainstream, special or independent provision.

4. Advice and analysis

4.1 By implementing the future projects the Council will be ensuring sufficient appropriate provision for its pupils with special educational needs; will be enabling vulnerable children to be educated closer to home amongst their friends and peers rather than placed out of area, whilst at the same time providing some reduction in costs for the Council.

4.2 This programme and funding initiative will provide an opportunity for the Council to increase and improve provision for its most vulnerable children; without this funding these projects would not be possible and utilising this funding appropriately will help provide more positive outcomes for the pupils and their families that benefit from them.

4.3 This programme will further complement the recent successful projects at Abbey Court Special School and Danecourt Special School, which have provided much needed and bespoke provision for pupils with SEND, both of which are expected to provide improved outcomes for the pupils together with better teaching and learning environments.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
The allocated funding does not materialise	The funding provisionally allocated by the ESFA either does not materialise or is reduced due to changes to central government funding or an unsuccessful consultation period	Plan and prepare individual projects but only commence upon receipt of funding.	D1

Individual projects exceed budget	Individual projects will be proposed with estimated costs, but they exceed the budget when the design and tender process is complete.	Projects will be value engineered to fall within budget.	C2
Numbers of additional pupils do not materialise	The projects are intended to cater for expected additional pupils and should those pupils not be produced at individual provisions then the funding could potentially have been spent better elsewhere.	Monitor pupil numbers and demand throughout to ensure this risk is minimal; increasing pupil numbers and current expectations would indicate that this risk is low.	D3

6. Consultation

- 6.1 Consultation for this programme is required to follow the government's criteria as set out in section 2.5 of this report.
- 6.2 No Diversity Impact Assessment accompanies this report, however, one will be provided for individual proposals brought forward as a result of actions from this report.

7. Financial implications

- 7.1 Projects approved and undertaken as a result of this report will be funded via the central governments ring fenced funding initiative for SEN Capital Projects.
- 7.2 The whole programme will not exceed the allocated funding of £1.377m and will follow the Council's prescribed procurement procedures.
- 7.3 Projects will be undertaken only when funding is received each year to avoid the risk off unfunded contracts.

8. Legal implications

- 8.1 To remove any risk of challenge over the distribution of this funding there should be a transparent process. This would best be served by following the Council's procurement processes to source suitable contractors to complete the building works on each individual project subsequent to the completion of a successful consultation period.
- 8.2 By meeting the criteria and following the recommended consultation process as set out by central government, the Council will significantly reduce any risk of not receiving the funding or having it reduced or removed at a later date.

9. Recommendations

- 9.1 Cabinet is asked to authorise officers to commence the development of a programme of work meeting the criteria set out in the report in sections 2.2-2.4 and 3.1, and the consultation process, as set out in paragraph 2.5 and section 6 of the report.

9.2 Cabinet is asked to delegate authority to the Director of Children and Adult Services in consultation with the Portfolio Holder for Children's Services (Lead Member) to approve the programme following the period of consultation and to commence the design and tender process for the programme within the available budget and following the Council's procurement processes.

10. Suggested reasons for decision(s)

10.1 By following the process as set out Cabinet will be ensuring that the Council satisfies the criteria set by central government for the funding.

10.2 By approving the recommendations for projects included within the programme Cabinet is ensuring that appropriate and sufficient SEN places are available to meet a variety of increasing demand.

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Appendices

None.

Background papers

SEN Strategy
<http://www.medway.gov.uk/pdf/SEN%20StrategyAW-Online.pdf>

School Organisation Plan
<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016.pdf>

SEN Capital Programme Guidance
<https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans>