

SURREY COUNTY COUNCIL**CABINET MEMBER FOR CHILDREN, FAMILIES AND LIFELONG LEARNING**

DATE: 28 JANUARY 2025

LEAD OFFICER: RACHAEL WARDELL, EXECUTIVE DIRECTOR FOR CHILDREN, FAMILIES AND LIFELONG LEARNING

SUBJECT: PROPOSAL TO CREATE A SEN UNIT AT THAMES DITTON INFANT SCHOOL

ORGANISATION STRATEGY PRIORITY AREA: Tackling Health Inequality / Enabling A Greener Future / Empowered and Thriving Communities

Purpose of the Report:

Under section 14 of the Education Act 1996 and section 27 part 3 of the Children and Families Act 2014, Local Authorities have a statutory duty to ensure that:

- There are sufficient schools for providing primary and secondary education in their areas.
- As the local authority they keep under review the educational provision for children and young people who have special educational needs and or a disability (SEND).

Surrey's latest sufficiency modelling projections to 2030-2031, which are based on the previous three year's trends from academic years 2018-2019 to 2020-2021, indicate significant growth in the total number of pupils with Education, Health and Care Plans (EHCPs) resident in Surrey over the forecast period. This projected growth is expected to reach its peak in 2026-27 and 2027-28, before reducing slightly thereafter. By 2030-31, the total number of Surrey EHCP pupils in National Curriculum Years (NCY) 0-14 (age 4-19 years), is projected to be more than 2,500 higher than the 2020-21 total.

Primary age projections show moderately increasing demand from 1,893 places in 2020-2021 which is expected to peak at 2,053 places in 2024-2025, before declining thereafter towards the end of the forecast period. This represents 8.4% increase in demand for specialist school places over that 4-year period and is equivalent to 160 places. The most prevalent primary needs for pupils aged 4-11 who require a specialist school placement (in order of prevalence) are Autism and Communication & Interaction needs and Severe or Profound & Multiple Learning Difficulties.

Surrey's existing maintained specialist provision, which includes specialist school places in SEN Units in mainstream schools and in Specialist Schools/ academies, has around 4,000 places and 97% occupancy.

The Council's priority is to further reduce reliance on the independent sector, but most importantly ensure local children and young people with Special Educational Needs and Disabilities (SEND) who require specialist school placements can have their educational needs met close to home, more connected to local communities and local support services and within state-maintained provision wherever possible.

The Department for Education (DfE) expects local authorities to manage their specialist estates efficiently to avoid detriment to schools' educational offers, creating disadvantage to children and young people who have SEND or the local authority's financial position. This means ensuring the availability of specialist school places that are appropriately matched to need-type, phases of education and geographic location so that all of Surrey's statutory school age children with an Education Health and Care Plan (EHCP) that require a full-time specialist school placement in either a mainstream SEN Unit or Specialist School have a named placement, ready for the beginning of the next academic year.

The proposal is to open a SEN unit at Thames Ditton Infant School and formalise the nurture class which opened in September 2024, to create an additional 21 places for primary school age pupils with Communication and Interaction needs and co-occurring needs who require a specialist placement in a mainstream school.

The proposals require Surrey County Council to follow the statutory process outlined in the DfE guidance "Making significant changes ('Prescribed Alterations') to Maintained Schools," because they fit into one of the categories in this instance:

The proposal is to open additional SEN provision within existing mainstream school classrooms at Thames Ditton Infant School

Recommendations:

It is recommended that:

The Cabinet Member for Children, Families and Lifelong Learning determines the statutory notice published for the proposal thereby bringing into effect the formal commencement of the proposals.

The Cabinet Member for Education and Learning may:

1. reject a proposal
2. approve a proposal without modification
3. approve a proposal with modifications, having consulted the LA and/or GB (as appropriate)
4. approve a proposal, with or without modification – subject to certain conditions (such as the granting of planning permission) being met.

Reason for Recommendations:

The Cabinet Member for Children, Families and Lifelong Learning 's approvals and recommendations completes the statutory process in accordance with the DfE guidance "Making significant changes ('Prescribed Alterations') to Maintained Schools."

Executive Summary:

Demand for Specialist Places

- Table 1** shows the latest projections for infant pupils with EHCPs in Surrey who have autism and/or have communication and interaction needs identified as their primary need in Elmbridge. The projections show a gradual decrease in this cohort year on year to 2032/33 however the demand still outweighs the level of provision within local schools.

Table 1 Forecasts for children with autism and communication and interaction needs in Elmbridge

Residential Area	School Location	Forecast									
		2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Elmbridge	Surrey	94	80	77	77	77	77	75	74	74	74
	Out of county	2	2	2	2	2	2	3	3	3	3
	Total SEN Need	96	82	79	79	79	79	77	77	77	77
Total SEN Places Available		24	24	34	44	54	54	54	54	54	54
Shortage or Surplus of Places (No.)		-72	-58	-45	-35	-25	-25	-23	-23	-23	-23
Shortage or Surplus of Places (%)		-299%	-240%	-133%	-80%	-46%	-46%	-43%	-42%	-42%	-42%

- The proposed SEN unit at Thames Ditton Infant School would have 21 specialist school places. Should these pupils be required to attend an education provision in the independent sector, costs would equate to around £1.113m per year every year, based on an average unit cost of £53k per pupil per annum for independent sector provision. This is compared to the average cost for state-maintained specialist places at £23k per pupil per annum and equivalent costs for 21 places of £483k. Provision of the additional state-maintained specialist school places would generate an approximate saving of £30k per pupil place per year.
- This data clearly shows that sustained use of the independent sector in the future would constitute an inefficient use of limited resources and severely impact Surrey's ability to deliver services and support for children, young people, and families, whilst remaining financially sustainable.
- Surrey's ambition for children and young people who have additional needs and disabilities is to develop high quality fit for purpose local state-maintained specialist school provision that enables better long term outcomes. This in turn ensures that Surrey resident pupils are educated closer to home, more connected to local communities and local support services, and have increased opportunities to enter employment in the future.
- Table 2** shows the current SEN unit provision within mainstream schools in Elmbridge.

Table 2 Current SEN unit provision within primary schools in Elmbridge

School	Designation	Age
Bell Farm Primary School	Speech, language and communication needs (SLCN)	4-11 (Years R to 6)
Chandlers Field Primary School	Speech, language and communication needs (SLCN)	4-11 (Years R to 6)
Thames Ditton Junior School	Moderate learning difficulties (MLD)	7-11 (Years 3 to 6)

Key Outcomes and benefits for children, young people and families:

6. Expanding outstanding sufficient and sustainable specialist school provision for Surrey resident primary age pupils in Elmbridge would provide the following benefits as stated in the Developing local Special Educational Needs and Disability (SEND) Provision report to Cabinet on 25 January 2022:
7. Benefits realisation ensures Surrey's maintained specialist education provision is fit for purpose and creates additional employment/supported internship opportunities for residents around areas of expansion.
8. Children, young people, and families can access the same level of high-quality support wherever they live in Surrey. We have a good, shared understanding of our children and young people who have SEND in Surrey and our support offer matches their identified needs.
9. Expanding Surrey's specialist provision aligns with the Preparation for Adulthood programme and strategy for Post-16 to create local further education and employment pathways such as apprenticeships and supported internships. This enables young people who have SEND to make a successful transition to adulthood and secure employment.
10. Capacity created locally would also make certain that SEND home to school transport distance and costs are reduced so that pupils attend their closest most appropriate school with shorter journey times. Opportunities for developing independent travel skills can be maximised as a result of children and young people being educated closer to home. This would also address local congestion around school sites as well as traffic flow around the county, which would be of benefit to Surrey's Green Agenda.
11. The distribution and occupancy of current Special Schools and SEN Units in mainstream schools clearly illustrates that there is insufficient provision of autism and Communication & Social Interaction Needs, Moderate Learning Difficulties, Severe Learning Difficulties and Social Emotional Mental Health Needs Special places.
12. The approved remodification and expansion programme will ensure that additional places are matched appropriately to need type, phases of education and geographic locations.

Consultation:

13. An informal consultation was published for the proposal from 12 September to 25 October and further statutory notices were published from 4 November to 2 December 2024. All consultation documents are available at www.surreysays.co.uk.
14. The statutory notices are also attached as **Annex 1** of this report.
15. A summary of the consultation analysis for both proposals is attached as **Annex 2**.

Risk Management and Implications:

16. Sufficiency data requires close monitoring and frequent ratification to ensure projected demand for learners with EHCPs is up to date and accurate. This guarantees an appropriate availability of specialist school places, which are aligned to need, phase of education and geographical location. Latest sufficiency modelling demonstrated a clear need for the additional and changed specialist provision that the proposal will create.

17. The key risk to the proposals not being approved is the loss of specialist places (21 additional places for primary school age pupils with Communication and Interaction needs and co-occurring needs) that are needed in county to meet the overall projected demand. These places would likely then need to be found in the NMI sector, which based on current average costs equates to approx. £1.3m per annum from the DSG High Needs Block being spent on out of county independent provision year on year. The 21 additional places would provide a potential cost containment of approx. £720k.
18. The Local Authority needs to be satisfied that the appropriate fair and open local consultation and or representation has been conducted and that the proposer has given full consideration to all responses received. To ensure that this is the case the consultation and decision-making processes are quality assured.
19. Surrey County Council has worked closely with the school to ensure that parents, carers and young people know about the consultation proposals and have had sufficient opportunity to share their views through a number of channels including public and stakeholder meetings, written responses, email correspondence and online response forms.

Financial and Value for Money Implications:
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20. The school would receive funding per pupil per year for each agreed planned place commissioned. The school would also receive a “top up” sum for each pupil on roll at the SEN unit, appropriate to the needs of individual children.

Year of operation	Academic Year	No. Places	Place Funding (per pupil)	Top-Up (per pupil)	AY Total
First	24/25	Up to 12	£10,000*	£7,517.92	Up to £210,215.04
Second	25/26	Up to 19	£6,000 for the three pupils on roll for Oct 24 census previous year's 12 pupils £10,000* for 16 new placements	£7,517.92	Up to £320,840
Third	26/27	Up to 21	£6,000 for previous year's 19 pupils £10,000* for 2 new placements	£7,517.92	Up to £291,876

*The school also receives “mainstream” funding through the national funding formula for pupils on roll of the centre in the previous October. A higher rate of place funding is paid for places which were not occupied in the previous October.

21. A Surrey maintained special school with experience of setting up new provision would support the school with the start-up of the new SEN unit. This would support the training and ongoing development of the provision over the first academic year.

Section 151 Officer Commentary:
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22. The Council continues to operate in a very challenging financial environment. Local authorities across the country are experiencing significant budgetary pressures. Surrey County Council has made significant progress in recent years to improve the Council's financial resilience and whilst this has built a stronger financial base from which to deliver

our services, the cost of service delivery, increasing demand, financial uncertainty and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to deliver financial efficiencies and reduce spending in order to achieve a balanced budget position each year.

In addition to these immediate challenges, the medium-term financial outlook beyond 2024/25 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, in order to ensure the stable provision of services in the medium term.

The cost containment identified in this report relate to reductions in future spend in the high needs block of the Dedicated Schools Grant (DSG) which support in delivering the requirements of the Council Safety valve agreement with the DfE.

Legal Implications – Monitoring Officer:

23. Section 14 of the Education Act 1996 places a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area.
24. Section 27 Children and Families Act 2014 places a duty on the local authority to keep under review the educational provision for children and young people who have special educational needs and or a disability.
25. The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2013 set out the statutory process that must be followed by the proposer and the decision maker. In this case the local authority is both proposer and decision maker.
26. In considering this Report, Cabinet must give due regard to the results of the consultation as set out in the Annexes attached and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.

Equalities and Diversity:

27. The Equality Impact Assessments (EIA) for the proposals are attached to this report as **Annex 3**.

Other Implications:

28. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Set out below
Safeguarding responsibilities for vulnerable children and adults	Set out below
Environmental sustainability	Set out below

Compliance against net-zero emissions target and future climate compatibility/resilience	No significant implications arising from this report
Public Health	No significant implications arising from this report

Corporate Parenting/Looked After Children implications:

- 29. The creation of additional specialist places directly supports both the Surrey Corporate Parenting Strategy 2020 and the SEND Partnership Strategy 2019.
- 30. The proposals would provide increased provision for pupils who need a specialist placement in a mainstream school in Surrey, thereby ensuring that those who are Looked After and/ or who have SEND are closer to home, more connected to local communities and support services.

Safeguarding responsibilities for vulnerable children and adults’ implications:

- 31. Safeguarding vulnerable children is a high priority in all Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and adhere to robust procedures. The schools will continue to apply good practise around safeguarding as they do currently. In addition, safeguarding is a key area for monitoring when Ofsted conducts inspections.
- 32. The creation of additional specialist school places closer to home supports highly effective joint agency monitoring to safeguard children, to reduce placement breakdown and increased demand on statutory care services.

Environmental sustainability implications:

- 33. The provision of education places closer to home will reduce the average journey times for learners with EHCPs and is aligned with the vision and aspirations of the Home to School Travel Assistance transformation programme.

What Happens Next:

- 34. Subject to the Cabinet Member determining the statutory notices Surrey County Council and the Governing Bodies will proceed to implement the proposals:

To open a new 21 place SEN unit provision at Thames Ditton Infant School for pupils with Communication and Interaction and cooccurring needs.

- 35. The significant change will be implemented from 1 September 2025.

Contact Officer:

Katie Kelly-Weller, Commissioning Manager

Consulted:

Headteachers of the schools featured in the proposals
 Parents of children attending the schools featured in the proposals
 Children and young people who attend the schools featured in the proposals

Governing bodies and staff members of each of the schools featured in the proposals
Surrey Family Voice
Local residents in Surrey
Local Cllrs in the areas of each of the schools featured in the proposals
Cllr Clare Curran, Cabinet Member for Education and Learning
Rachael Wardell, Executive Director for Children, Families and Lifelong Learning
Julia Katherine, Director of Education and Lifelong Learning
Trudy Pyatt, Assistant Director for Education, Access, Quality, and Improvement
Eamonn Gilbert, Assistant Director Commissioning
Jodi Emery, Service Manager SEN Commissioning
Mike Singleton Service Manager, Education Place Planning
Amanda Scally, Legal Services

Annexes:

Annex 1 Statutory Notices (Full)
Annex 2 Consultation Analysis (Summary)
Annex 3 Equality Impact Assessment
