

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR SCHOOLS, SKILLS AND  
EDUCATIONAL ACHIEVEMENT****DATE: 6 OCTOBER 2016****LEAD OFFICER: LIZ MILLS ASSISTANT DIRECTOR FOR SCHOOLS AND  
LEARNING****SUBJECT: OPENING OF ADDITIONAL TEMPORARY SCHOOL PLACES  
FOR PUPILS WITH AN EHCP****SUMMARY OF ISSUE:**

Following an increase in the number of secondary age pupils being identified as requiring specialist provision and in receipt of an Education Health and Care Plan (EHCP) the Council has offered places to 15 secondary age children above the standard admission number at a special school and specialist centre. It is intended that these pupils, subject to the normal review process of their EHCP, will remain on roll at the schools throughout their secondary phase. Due to the time constraints by which these pupils required placing, places have been offered at schools prior to cabinet member approval.

There are capital costs at both sites that are associated with these placements. This need to be set against the ongoing revenue costs that would be borne by the Council via the placement of these pupils in the non maintained independent sector, which would have been a direct result of failure to take this action. Specifically the temporary increase in the admission number at one special school and a mainstream centre have enabled the placement of 15 pupils with EHCPs from September 2016 and will require capital works.

**RECOMMENDATIONS:**

It is recommended that the action to make temporary provision of additional secondary age capacity and the associated capital expenditure at the two identified locations to enable the placement of 15 pupils with an EHCP is retrospectively approved.

**REASON FOR RECOMMENDATIONS:**

The Council has a statutory duty to make appropriate education provision available for all of its residents, this work has ensured that duty is met. In addition the action has made sure that appropriate education offers have been made to some of our most vulnerable pupils. Furthermore, the capital cost associated with this work is significantly mitigated by ongoing revenue savings against alternative provision.

## **DETAILS:**

1. Surrey SEN teams have been dealing with a significant number of unplaced secondary aged pupils. Placement solutions have been considered for these pupils, by providing additional places at an existing specialist centre (five places) and at an existing special school (ten places).
2. The increase in demand for places was significantly above trend. The Council is undertaking a significant review of its forecasting in relation to better reflecting future needs from pupils with an EHCP; however this particular provision is being regarded as genuine bulge need. The review of needs and forecasting will feed in to a wider strategy for provision that will include the Council's response to any successful Free special school bids that may be submitted within the County.
3. To support the requirement to place the additional pupils in 2016, the relevant specials school and centre were contacted individually to offer on the following basis:
  - Existing school accommodation can be used with limited capital cost
  - Offer in place and accessible from the autumn term
  - Where possible Parental preference would be matched
  - Aim to ensure that the placement is close to home
4. As a result of this and work with area leads all pupils have been offered places. This has included offering above the planned places at each school. Woodfield School in Merstham, which meets the needs of pupils with learning and additional needs, will have provided a discreet bulge class. In addition Epsom and Ewell High School's specialist centre for pupils with a Hearing Impairment has taken additional pupils over their usual number admitted.
5. These places require capital works to be undertaken to provide additional space requirements to meet the increased number of pupils. The council's team have visited the sites and considered the work required in consultation with the relevant schools. The table below shows the current indicative costs:

<b>Special provision</b>	<b>Cost</b>
Woodfield (10 places)	c. £250,000
Epsom and Ewell High (5 places)	£48,000
<b>Total:</b>	c. £298,000

6. Works at Epsom and Ewell High School have been undertaken by the Academy Trust and include the full refurbishment of a Hearing Impaired classroom. The works required for Woodfield School include the provision of

a demountable classroom and will be undertaken by Surrey County Council. In advance of the provision of additional space at Woodfield the school has undertaken no cost contingency measures, the additional space will be required prior to September 2017 and failure to provide additional space could therefore impact on future cohorts of pupils.

7. Woodfield School is an 11-19 maintained special school offering places to children who have learning and additional needs. The school is rated by Ofsted as Good following an inspection in 2012. Epsom and Ewell High is a mainstream secondary academy with a specialist centre for pupils with a hearing impairment. The school is rated by Ofsted as Good following an inspection in 2012.
8. These schools meet the needs of the pupils and enable the Council to make appropriate offers of education. In addition the schools reflect a range of specialisms and geographic location to, as best as possible, mirror parental preference and reduce unnecessary travel. Furthermore the schools are rated as Good ensuring that the offers being made are to high performing schools.

#### **CONSULTATION:**

7. There is no formal requirement to consult resulting from schools temporarily admitting beyond their published admission number.
8. Internally the Assistant Director for Schools and Learning and SEN area teams have been fully consulted and support this approach to providing additional school places.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

9. There is significant pressure on expenditure for Special Educational Needs and Disability provision and a duty for the authority to ensure that this funding is used to maximum effect. Furthermore there is a statutory duty to offer appropriate education for all students within the County.
10. Failure to have offered places within Surrey special school provision would have necessitated the placement of these children within the Non-Maintained Independent (NMI) Sector at significant and continued ongoing revenue cost to the Council. Making use of the flexible offer of provision in Surrey maintained special schools proposal is part of the longer term strategy to adapt and create local maintained specialist provision which meets the profile of pupils identified with SEND in Surrey and reduce the Councils reliance on the NMI sector. This strategy is outlined in the SEND Development Plan 2016 to 2020.
11. There are risks associated with building projects, a risk register has been compiled and is regularly updated. A contingency allowance appropriate to the scheme has been included within the project budget to mitigate for potential identified risks.

#### **Financial and Value for Money Implications**

12. The capital funding in the SEN strategy programme in the 2016-21 Medium Term Financial Plan will be redirected and prioritised to fund these capital works.
13. This capital work will provide 15 places that would otherwise probably need to be met in the Non Maintained sector. The table below indicates the estimated revenue cost avoidance. It should be noted that this would be a year on year cost.

Primary Need	Number of Secondary Aged Pupils in NMIS	Total Costs of NMI Placement	Total Costs of revised Surrey Placements	Average Cost of NMI day Placement	Average Cost of Surrey Placement
Learning and additional needs	10	£241,310	£114,830	£24,131	£11,483
Hearing impairment	5	£244,130 *	Between £87,400 and £140,000	£48,826 *	Between £17,500 and £28,000 *
Total	15	£485,440*	Between £202,430 and £254,830*		

Note: \* dependent on individual pupil need and requirement for sign support

We would therefore anticipate that the potential revenue cost avoided on estimated average placement costs would be between £283,010 and £230,610 per annum.

#### **S151 Commentary**

14. The 15 additional secondary age placements are planned to be accommodated in in-house provision rather than in a non maintained independent sector placement, which are usually more expensive.

These placements require capital expenditure at the premises which they are planned to be accommodated. The estimated cost of this capital work is £298,000. The avoided revenue costs for these placements are estimated at between £283,010 and £230,610 per annum.

#### **Legal Implications – Monitoring Officer**

15. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by Cabinet in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups, and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report. It was identified that the temporary provision of additional secondary age capacity at Woodfield School and Epsom and Ewell Specialist Unit would assist with placing unplaced secondary aged pupils with an EHCP from September 2016 and would not create any issues that would require the production of an Equality Impact assessment (EIA) as no group with protected characteristics will be adversely affected as a consequence of the approval, or otherwise. In fact this proposal will increase provision for children with protected characteristics.

16. Schools temporarily admitting beyond their Published Admission Number have no Requirement for Formal Consultation. There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision. However in this case there is no formal requirement to consult resulting from schools temporarily admitting beyond their published admission number. Internally the Assistant Director for Schools and Learning and SEN area teams have been fully consulted and support this approach to providing school places.
17. In coming to a decision on this issue the Cabinet needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet to decide. Relevant matters in this context will include the statutory requirements ( no formal consultation required), the policy considerations, the impacts of the options on service provision, the medium term financial plan, the Council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty
18. The Council owes a fiduciary duty to its Council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people. Accordingly in deciding to spend money a local authority must take account of the interests of Council taxpayers who have contributed to the Council's income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.
19. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

#### **Equalities and Diversity**

20. This action has increased educational provision and is open to all relevant children with an EHCP. No group with any protected characteristics under Equalities legislation will be affected by this proposal as increased provision for all children with protected characteristics will be made. The schools will continue to offer provision as they have done previously, with no changes for children and young people or staff and as a result, no EIA has been produced. However, with the increase in provision being open to all applicants, with the highest priority given to Looked After Children with an EHCP, this proposal will support our most vulnerable children.

#### **Corporate Parenting/Looked After Children implications**

21. This action will increase the number of places available within in Surrey Maintained schools for LAC pupils with an EHCP, it supports our corporate objectives to meet the needs of this vulnerable group.

### **Safeguarding responsibilities for vulnerable children and adults implications**

22. 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 in the area of safeguarding as they are currently. In addition, safeguarding is a key area for monitoring when Ofsted carries out inspections.

### **WHAT HAPPENS NEXT:**

23. Subject to Cabinet Member approval of action taken works at schools will be completed. Elements of the work detailed above have been completed; further elements will be scheduled in as appropriate with schools making no cost contingencies in the short term.
24. All pupils have been admitted in the autumn term allowing the Council to meet its Statutory Duty.

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#### **Consulted:**

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