

SURREY COUNTY COUNCIL**CABINET MEMBER FOR EDUCATION & LEARNING****DATE: 8 June 2021**

LEAD OFFICER: Rachael Wardell, Executive Director for Children, Families and Lifelong Learning

SUBJECT: Additional specialist school places for pupils with Special Educational Needs and Disabilities.

ORGANISATION STRATEGY PRIORITY AREA: Growing a Sustainable Economy So Everyone Can Benefit, Tackling Health Inequalities and Enabling a Greener Future

SUMMARY OF ISSUE:

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

1. There are sufficient schools for primary and secondary education in their areas.
2. 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).

The demand for maintained specialist school places in Surrey for children and young people with SEND has grown significantly over the past four years from 2,859 planned places in 2017-2018 to 3,513 in 2021. As the county's specialist estate has historically not expanded at the same rate as the demand, this in turn has increased reliance on the Non-Maintained and Independent (NMI) sector to ensure all pupils are able to access suitable full-time education.

Cabinet approved a combined capital investment of £79.6m between 2019-2021 to increase the local specialist estate and this will deliver over 1,600 additional specialist places that will be phased between 2019-2030.

The Department for Education 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 setting in either a mainstream SEN Unit or Special School have a named placement, ready for the beginning of the next academic year.

These proposals require Surrey County Council to follow the statutory process for making significant changes ('Prescribed Alterations') to maintained schools because they fit into one of the categories below:

- The proposed expansion of a special school is permanent and would increase the capacity of the school by more than 20 pupils or 10% (whichever is the smaller number)
- Change to the types of need catered for by a special school.

A table detailing the 2 proposals below is attached as Annex A:

1. Change of need-type catered for at Clifton Hill School
2. Expansion at Woodfield Secondary School

RECOMMENDATIONS:

It is recommended that:

The Lead Cabinet Member for Education & Learning determines the statutory notices published for each of the 2 proposals (1. Change of need-type catered for at Clifton Hill School, 2. Expansion at Woodfield Secondary School), thereby bringing into effect the formal commencement of the proposals.

The Lead Cabinet Member for All Age Learning may:

1. reject a proposal
2. approve a proposal without modification
3. approve a proposal with modifications, having consulted the LA and/or Governing Body (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:

Following the introduction of The Children and Families Act, 2014 and revised SEND Code of Practice in 2015, Surrey has seen the number of Education, Health and Care Plans (EHCPs) increase by between 11-18% each year, resulting in the projected demand for 5,100 specialist school places within the next 5 years.

The SEND Capital Programme's approved strategy will deliver the additional 1,600 specialist school places which will be phased in to close the gap between the planned places of 3,513 in 2021 and the total projected demand by approximately 2026.

This significant increase in demand for specialist provision has led to a historic over reliance on the independent school sector. Surrey's ambition is to ensure sufficient maintained placement availability for the cohort of children and young people who have SEND and need specialist placements, so that they are educated closer to home and are more connected to local communities and support services.

The Lead Cabinet Member for Education & Learning's approvals and recommendations completes the statutory process in accordance with the relevant legislation to make appropriate changes to Surrey's specialist estate.

DETAILS:

1. Further to Cabinet approval in September 2019, September 2020 and January 2021, Annex B outlines the total number of projects under the SEND Capital Programme which will increase Surrey's specialist school estate.
2. The two schools listed in this paper are Community schools where the Lead Cabinet Member decision is required for significant changes to maintained schools.
3. Further decisions on other Community schools will be brought to the Lead Cabinet Member in future meetings.
4. Five of the total number of SEND projects are being self-delivered by Academy Trusts. Where a significant change is proposed in an Academy the proposal will be submitted by the Trust to the Regional Schools Commissioner for approval.
5. **Key Outcomes and benefits for children, young people and families:**
 - More places for children and young people who have SEND to attend their nearest most appropriate school in Surrey.
 - Support for the county-wide inclusion agenda and effective partnership working between mainstream and special schools.
 - Increased availability of educational provision that achieves high quality outcomes for children and young people.
 - Reduction in home to school travel journey time as well as more opportunities for developing independent travel skills.
6. **How we'll know if we're making a difference:**
 - Key stakeholders feel engaged, consulted, and describe key benefits as well as improving outcomes for children and young people who have SEND in Surrey.
 - Reduced reliance on the non-maintained and Independent (NMI) sector and out-of-county placements.
 - Availability of specialist school places that are matched appropriately to need type, phases of education and geographic locations.
 - SEND capital investment that ensures local specialist settings are fit for purpose and meet the needs of children and young people who have SEND.
 - Reduced local congestion around school sites, as well as traffic flow around the county, which will be of benefit to Surrey's Green Agenda.
 - More efficient use of resources.

CONSULTATION:

7. An informal consultation and further statutory notices were published individually for each of the two proposals on www.surreysays.co.uk. All consultation documents are available at www.surreysays.co.uk. The statutory notices are also attached as Annex C of this report.

8. A table with a summary of the consultation analysis for the two proposals is attached to this report as Annex D.

RISK MANAGEMENT AND IMPLICATIONS:

9. 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 or changed specialist provision that the 2 schools will create.
10. The key risk to proposals not being approved is the loss of approximately 60 new places that are needed in county to meet the overall projected demand. This would equate to an additional £3.2m unplanned revenue from the DSG High Needs Block being spent on out of county independent provision year on year. The 60 new places would provide a potential cost containment of £1.8m as shown in Table 1 below.
11. The Local Authority needs to be satisfied that the appropriate fair and open local consultation and or representation has been carried out 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.
12. Surrey County Council has worked closely with both schools 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:

13. A sustainable specialist estate will be developed to provide fit for purpose facilities for Surrey's children and young people who have SEND and require a specialist school placement, providing cost effective solutions to support identified revenue savings.
14. The projected revenue benefits and associated projected cost containment comes from the reduced unit cost of a placement within a Surrey maintained school compared to a Non-Maintained Independent setting. As part of the wider SEND Transformation Programme, this contributes to reducing Surrey's High Needs Block annual deficit.
15. The expansion of Woodfield Secondary School, which is budgeted to cost £6m, will deliver an additional 60 places when fully complete. The £6m was included in the phase 2 SEND Capital programme so is already included in the approved Capital programme.

16. The average annual cost difference between a Non Maintained Independent (NMI) and mainstream specialist place is around £30k. When fully occupied, these 60 places would therefore provide cost containment of £1.8m per annum and help to reduce reliance on the NMI sector.
17. The proposals at Clifton Hill would not create additional places so there would be no anticipated cost saving.

Section 151 Officer commentary:

18. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected 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 stable provision of services in the medium term. Additional capacity within the Surrey maintained estate is a key element of the SEND Transformation programme and as such The Section 151 Officer supports the proposal.

Legal implications – Monitoring Officer:

19. Section 13 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the needs (including special educational needs) of the population in its area. In doing so, the Council is required to contribute to the spiritual, moral, mental and physical development of the community.
20. 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.
21. The local authority has carried out a consultation on the proposal which is in accordance with statutory requirements. Such consultation involved those directly affected by the changes together with relevant representative groups.
22. In considering this Report, the Cabinet Lead Member for All-Age Learning must give due regard to the results of the consultation as set out in the reports attached and the response of the Service to the consultation comments and conscientiously take these matters into account when making a final decision.

Equalities and diversity:

23. The Equality Impact Assessments (EIA) for each of the proposals are attached to this report as Annex E and Annex F.

Other implications:

24. 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.

Corporate Parenting/Looked After Children implications:

25. The creation of additional specialist school places directly supports both the Surrey Corporate Parenting Strategy 2020 and the SEND Partnership Strategy 2019.
26. The proposals would provide increased provision for pupils who need a specialist placement 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:

27. 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 do currently. In addition, safeguarding is a key area for monitoring when Ofsted carries out inspections.
28. 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:

29. 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 Surrey SEND Transport Transformation Programme.
30. The design philosophy is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation. Any new infrastructure will be built to the local planning authority's adopted core planning strategy.

Public Health Implications:

31. No significant implications arising from this report.

WHAT HAPPENS NEXT:

32. Subject to the Lead Cabinet Member determining the statutory notices Surrey County Council and the Governing Bodies will proceed to implement the 2 proposals:

1. Change of need-type catered for at Clifton Hill School
2. Expansion at Woodfield Secondary School

Annex A details the next steps and implementation timescales against the two projects.

Contact Officer:

Liz Mills, Director of Education, Learning & Culture

Consulted:

Headteachers of both of the schools featured in the proposals
Parents of children attending the schools featured in the proposals
Young people who attend the schools featured in the proposals
Governing bodies and staff members of both 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 Julie Iles, Former Lead Cabinet Member for All Age Learning
Rachael Wardell, Executive Director
Liz Mills, Director Education Learning & Culture
Jane Winterbone, Assistant Director Education
Hayley Connor, Director Commissioning
Eamonn Gilbert, Assistant Director Commissioning

Annexes:

Annex A Table of proposals

Annex B SEND Capital Programme list of all projects

Annex C Statutory notices (Full)

Annex D Consultation Analysis

Annex E Equality Impact Assessments

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