

## CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE

Item under consideration: SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) AND ALTERNATIVE PROVISION (AP) CAPITAL PROGRAMMES AND SPECIALIST SUFFICIENCY TO 2031/32

Date Considered: 4 June 2024

1. The Children, Families, Lifelong Learning and Culture Select Committee is disappointed that it has not had the opportunity to undertake formal scrutiny of the Capital Programme proposals to be decided by Cabinet on 25 June 2024. It is particularly unfortunate because these proposals address an area of Children's Services with which the Committee – and many residents – are very concerned. This is the provision of school places for children with additional needs and disabilities. An informal briefing was arranged at very short notice such that Committee members had less than two working days to consider the report, and less than 50 per cent of Select Committee members – including the Chair – were able to attend the briefing. We have been advised that – constitutionally – this session can be regarded as formal scrutiny. However, we do not feel that we have been able to scrutinise in the usual manner with proceedings in public, proposals that will have significant consequences for children and young people in Surrey with additional needs and disabilities. We hope that this experience will not be repeated. Nevertheless, given the significance of these proposals and our concerns with some aspects of the proposals, the Committee has agreed a set of recommendations and urges Cabinet to view these with the gravity that the Committee attaches to them.
2. Select Committee was assured by the Cabinet Member for Children, Families and Lifelong Learning that there was to be no reduction in the £260m budgets assigned to the SEND and AP Capital Programmes overall by Cabinet between 2019/20 and 2023/24. The £189m reflected in the MTFS between 2024/25 and 2027/28 was due to about £71m of this already having been spent over the last five years on 43 completed projects, which have created 1,058 additional state-maintained specialist places. This represents 44 per cent of the 2,404 places which, according to the proposed adjustment, the programme would deliver overall by the end of the next four years.
3. Although the capital investment will not change, the revised programme would deliver a reduction of 71 places against the original plan. If the programme that was initially approved was delivered in full, it would now be £45m over budget. There was recognition of the increased construction costs and the work done by external consultants to review and benchmark these, but concern about the impact on children and young people of places at risk of being lost.
4. Given the rising prevalence of autism in girls, which tends to present differently and as such can be more difficult to identify, Members were particularly keen not to lose additional places for autistic girls. Committee was

told there was no confidence that if the projects earmarked for abortion did proceed that new places could all be filled by pupils residing in Surrey.

5. Members noted the target capacity of 5,761 overall state-maintained specialist places by 2031/32 falls short of the 6,345 pupils anticipated to need one in 2029/30 should current trends continue. They sought reassurance as to how all young people's needs would be met if Cabinet decided the six schemes should not proceed. Officers said the wider partnership would become more inclusive and the Council was in discussions with mainstreams about creating opportunities without the need for capital. With regard to affordability, the Committee's concern was that cancelling projects may lead to using more expensive placements in the independent sector and a greater use of out of county schools could result in increased demand for home to school travel assistance.
6. Members expressed concern that the South East quadrant would be disproportionately adversely affected, with the SE having a majority of the 317 places that are proposed to no longer be created. A high proportion of the 230 proposed new places are reliant on an SEMH specialist free school, considered to be the highest potential risk of non-delivery within the programme. Further analysis was requested and assurance of how such a disparity would be addressed. The Committee was told there was no disproportionate reduction in places in one area over another; more than a quarter of additional places overall were assigned to the SE quadrant.
7. There was also concern should the expansion of a specialist school not proceed, about the additional strain that could be placed on the budget of a nearby school which currently has a higher than average proportion of pupils with SEN support. Enquiries were made as to whether schools who may be affected by the decision were supportive of proposed changes. Members were told that schools subject to a Cabinet decision were advised on 15 April.
8. Asked for the risk factor of proposed changes, the Programme Manager advised the Committee this could not be applied across the whole programme because of nuances, but the highest risk was carried by the DfE funded Free School. Members were concerned about the risk attached to a heavy reliance on plans for three free schools where funding is not within the control of the Local Authority. These represented a total of 500 places across Betchwood Vale, Frimley Oak and the new proposal - 37 per cent of the additional places yet to be created.
9. There would be no change to the 41 additional Alternative Provision places provided over the course of the programme. Committee was informed that redirection of £5.3m from the current allocated SEND capital budget for 2024/25-2027/28 to the current AP budget would create a reduction of 40 additional specialist school places, however the impact of this was accounted for in the overall 5,761 capacity to be created by 2031/32.
10. The Programme Manager said the selection of locations for the remaining 33 SEND projects and five AP projects left to deliver had been through a quality

assured process, with schools submitting applications to the programme against defined criteria.

## Recommendations

The Children, Families, Lifelong Learning and Culture Select Committee is not assured that evidence has been provided to justify the SEND Capital Programme proposals from the perspective of meeting the needs of children and young people (CYP), in addition to managing the annual Non-maintained Independent school placement and Home to School Transport revenue costs out to 2031/32.

The Select Committee recommends that the Cabinet defers a decision on these proposals until the following additional information, consequences and impacts can be assessed:

1. The proposals should be accompanied by a statement of CYP education provision **needs** (by specific provision type – ASD, SEMH specialist school vs. mainstream SEN unit, etc. and by quadrant) out to 2027/28 and 2031/32. Information on the number of school places to be provided does not provide assurance since needs are very specific.
2. Based on this projection, and the SEND Capital Programme proposals, the estimated impact on the CFLLC revenue budget for (a) Non-Maintained Independent school places, and (b) Home to School Travel Assistance (H2STA), should be assessed per annum out to 2028/28 and 2031/32 – and compared to the one-off cost savings of the Capital Programme proposals at £45m.
3. The proposed new projects to provide 230 new school places do not match the profile of the 317 places (and 140 reprovided places) withdrawn, and there is no guarantee that the sponsors of these places will deliver. Evidence should be provided of why the new proposed places substitute for the withdrawn places. The proposed new SEMH Special Free School due to provide 150 places by August 2028 is of particular concern given the steeply rising demand for SEMH specialist provision. (More detail in part 2 report)
4. Assurance is needed on how reprovided places are impacted by projects being withdrawn will be sustained, or whether they will also be lost by 2027/28.
5. The proposals indicate that the South East quadrant would be disproportionately adversely affected, with a majority of the 317 places that are proposed to no longer be created in the SE. A high proportion of the 230 proposed new places are reliant on an SEMH specialist free school considered the highest risk for non-delivery. Further analysis and assurance of how this disparity would be addressed should be provided. (More detail in part 2 report)

6. The contingency plans for the 500 additional new Special Free School places (which will provide c. 9% of SCC's anticipated 5,791 school places by 2030/31) in the event of non-delivery by the DfE should be provided.
7. Based on projections assuming current trends, the Committee was informed that under the new programme there could be a shortfall of 660 specialist places in the state-maintained sector by 2031/32. The ongoing revenue cost of this shortfall should be assessed and compared with the likely capital cost of providing these places.
8. See part 2 report.

**Fiona Davidson, Chair - Children, Families, Lifelong Learning and Culture  
Select Committee**

**Background papers**

Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP)  
Capital Programmes and Specialist Sufficiency to 2031/32 Draft Cabinet Report, 25  
June 2024

Response to actions from 4 June 2024 Select Committee briefing