

CABINET - 25 June 2024 (Part 1 report)

CABINET RESPONSE TO THE REPORT OF THE 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

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new projects to provide 230 new school places do not match the profile of the 317 places (and 140 reprovided places) withdrawn, and there is no guarantee that the sponsors of these places will deliver. Evidence should be provided of why the new proposed places substitute for the withdrawn places.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 Assurance is needed on how reprovided places are impacted by projects being withdrawn will be sustained, or whether they will also be lost by 2027/28.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

Cabinet Response:

Engagement with the CFLLC Select Committee

The requirement for engagement with the CFLLC Select Committee was requested by Scrutiny on 30 May 2024. The draft Cabinet reports were issued by the Scrutiny Officer on 31 May, following agreement by the Legal Monitoring Officer to proceed.

In the absence of the CFLLC Select Committee Chair, and with agreement from the Vice-Chair, a briefing with officers and Cabinet Member for Children, Families and Lifelong Learning was arranged for Tuesday 4 June. The briefing, which was confirmed as constitutionally formal scrutiny, gave committee members the opportunity to ask questions about the draft Part 1 and Part 2 Cabinet Reports on proposed changes to the scope of the SEND Capital Programme and profile of funding for the AP Capital Programme within budget allocations reaffirmed by Full Council in February 2024 budget setting.

After the informal briefing had concluded, thirteen questions were raised by the Vice-Chair with the Scrutiny Officer seeking written clarification on specific aspects of the draft reports and wider context that had been discussed in the briefing. Detailed responses were provided by officers in writing to the committee members on Friday 7 June.

It will be important for these written responses to be taken into consideration in the CFLLC Select Committee's recommendations to Cabinet.

Select Committee recommendation that Cabinet defers the decision on proposals to beyond Tuesday 25 June

Agreement to proceed to a decision on 25 June was confirmed by Surrey's Leader and Members at the Cabinet Agenda Planning Meeting on Monday 3 June. This was

because of the significant reputational and financial risk that deferral would create for Surrey County Council:

The call-in period for a planned 25 June decision ends on 2 July, allowing schools, Trusts, and families of children with additional needs and disabilities who are likely to be impacted by Cabinet's decision to be updated individually, and proactive communications to be issued well before the end of the summer term on 23 July.

A delay to a Cabinet decision at the end of July would conclude the calling-in period on 30 July, meaning that schools and Trusts have another 6 weeks to wait before being updated. Deferral to 23 July increases the risk of reputational damage, breakdown in relationships with schools/Trusts, families and increased legal challenge (and liabilities) at First Tier SEND Tribunal to the Council.

The requirement for the programmes' financial certainty under the Financial Regulations require confirmation of the Cabinet decision on 25 June before proceeding with planning submissions, consultation and engagement activities for statutory significant changes for schools, legal agreements and financial decisions on individual project budgets for around 16 committed and planned SEND and AP projects. Deferral to 23 July has already been analysed and the expected impact of this would push committed projects' programmes out beyond target completion dates, delaying delivery and availability of around 133 places in 2025/26.

As the SEND and AP Capital Programmes have over 20 live committed projects, deferral to a 23 July decision will increase known abortive costs from £1.9m projected to end of June to over £2.3m by end of July, further reducing capacity within already constrained budget allocations.

Select Committee recommendation that proposals should be accompanied by a statement of 'CYP education provision needs'

The follow-up briefing issued on Friday 7 June referred committee members to Surrey County Council's published School Organisation Plan (2022-2032) and Children and Young People with Additional Needs and Disabilities Sufficiency Plan 2022-2030. These set out the Council's approach for providing education close to home by local providers, who can successfully support all children and young people to live, learn and grow up locally to achieve their full potential.

Surrey County Council's published School Organisation Plan (2022-2032) and Children and Young People with Additional Needs and Disabilities Sufficiency Plan 2022-2030 set out the Council's approach for providing education close to home by local providers, who can successfully support all children and young people to live, learn and grow up locally to achieve their full potential.

The Council's ten-year sufficiency projections for specialist provision include the range of educational provision for Surrey resident pupils aged 4-19 years with Education Health and Care Plans (EHCPs), from SEN Units or Resourced Provision attached to state-maintained mainstream schools, state-maintained specialist schools, state-maintained alternative provision, FE Colleges, and non-maintained or specialist independent settings. This uses the same basic

demographic projections as for mainstream place planning and these are underpinned by the same birth, population and housing data.

Sufficiency and place planning trends for the *Edge-ucate SEN* data model developed in collaboration with and updated annually by Edge Analytics are also determined using information from the national School Census and annual SEN2 returns alongside the Council's pupil level information. Data includes all existing children and young people with Education, Health and Care Plans and their primary need, where they live, and type, designation and location of education provision attended. This data is fed into annual projections each summer and the data models are updated annually to reflect actual versus projected need. The growth from committed SEND and AP capital projects which have been through the appropriate legal agreements is included in the model's place data.

Projections accounting for proposed decisions by Cabinet have been adjusted and analysed, assuming current commissioning trends and current maintained specialist school and mainstream school specialist 'centre' designations. The Council's committed capital investment of £260m, and the remaining £189m for SEND and AP budget allocations for 2024/25 to 2027/28 reaffirmed in February 2024 budget setting enables expansion of Surrey's state-maintained specialist education estate to just over 5,760 place capacity overall by 2031/32. This is only one part of a broader strategy and collective responsibility to create a continuum of provision in collaboration with schools, Academy Trusts and the wider partnership to best meet local need in the long term.

North East Surrey: Specialist Schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	179	186	225	267	303	326	347	352	348	344	335
Places available	0	47	77	119	153	180	197	200	200	200	200
Shortage/surplus (no)	-179	-139	-148	-148	-150	-146	-150	-152	-148	-144	-135
Shortage/surplus (%)	-100%	-75%	-66%	-56%	-49%	-45%	-43%	-43%	-43%	-42%	-40%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at Complex ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	141	165	179	185	195	202	205	203	201	201	197
Places available	141	204	205	205	205	205	205	205	205	205	205
Shortage/surplus (no)	0	39	26	20	10	3	0	2	4	4	8
Shortage/surplus (%)	0%	19%	13%	10%	5%	1%	0%	1%	2%	2%	4%
Notes	Excludes proposed 60 place permanent expansion via Satellite Site at Manor Mead School (Virginia Water), where legal agreements are still pending.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	234	270	305	315	324	337	336	326	317	310	299
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-234	-270	-305	-315	-324	-337	-336	-326	-317	-310	-299
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SEMH designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	84	93	107	126	147	157	165	161	155	148	141
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-84	-93	-107	-126	-147	-157	-165	-161	-155	-148	-141
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLD/PMLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	129	134	166	186	216	234	254	253	253	253	251
Places available	231	173	177	206	206	231	231	231	231	231	231
Shortage/surplus (no)	102	39	11	20	-10	-3	-23	-22	-22	-22	-20
Shortage/surplus (%)	44%	23%	6%	10%	-5%	-1%	-9%	-9%	-9%	-9%	-8%

North East Surrey: SEN Units/ Specialist Resourced Provision ('Centres') in mainstream schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	117	119	118	125	125	126	127	130	125	123	122
Places available	194	142	176	203	228	232	234	236	236	236	236
Shortage/surplus (no)	77	23	58	78	103	106	107	106	111	113	114
Shortage/surplus (%)	40%	16%	33%	39%	45%	46%	46%	45%	47%	48%	48%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at HI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	12	10	11	14	12	11	13	14	15	16	16
Places available	33	19	30	30	30	30	30	30	30	30	30
Shortage/surplus (no)	21	9	19	16	18	19	17	16	15	14	14
Shortage/surplus (%)	64%	50%	65%	54%	59%	62%	58%	54%	51%	48%	46%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	37	40	42	42	42	42	38	37	36	35	35
Places available	32	17	17	17	16	16	16	16	16	16	16
Shortage/surplus (no)	-5	-23	-25	-25	-26	-26	-22	-21	-20	-19	-19
Shortage/surplus (%)	-14%	-57%	-60%	-60%	-62%	-62%	-58%	-57%	-55%	-54%	-54%
Notes	Excludes new mainstream specialist resourced provision, proposed for inclusion in SEND Capital Programme and subject to Cabinet's decision.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLCN designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	65	70	77	80	76	79	79	75	72	71	69
Places available	65	72	81	81	81	79	79	78	75	75	75
Shortage/surplus (no)	0	2	4	1	5	0	0	3	3	4	6
Shortage/surplus (%)	0%	3%	5%	2%	6%	0%	0%	3%	4%	5%	8%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at VI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	3	8	10	12	11	10	7	7	6	6	7
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-3	-8	-10	-12	-11	-10	-7	-7	-6	-6	-7
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

North West Surrey: Specialist Schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	93	96	120	153	188	211	219	229	235	231	231
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-93	-96	-120	-153	-188	-211	-219	-229	-235	-231	-231
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at Complex ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	200	236	257	274	283	295	303	303	309	312	313
Places available	216	243	270	288	252	261	270	270	270	270	270
Shortage/surplus (no)	16	7	13	14	-31	-34	-33	-33	-39	-42	-43
Shortage/surplus (%)	7%	3%	5%	5%	-11%	-12%	-11%	-11%	-12%	-13%	-14%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	207	238	264	284	297	324	323	333	338	330	327
Places available	473	513	540	553	551	551	542	542	542	542	542
Shortage/surplus (no)	266	275	276	269	254	227	219	209	204	212	215
Shortage/surplus (%)	56%	54%	51%	49%	46%	41%	40%	39%	38%	39%	40%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SEMH designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	64	70	75	78	84	88	84	79	76	70	64
Places available	82	76	82	82	82	82	82	82	82	82	82
Shortage/surplus (no)	18	6	7	4	-2	-6	-2	3	6	12	18
Shortage/surplus (%)	22%	7%	8%	5%	-3%	-7%	-2%	4%	7%	15%	22%
Notes	Excludes new 170 place DfE Special Free School, Frimley Oak Academy due to open in 2027/ 2028, where legal agreements are pending.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLD/PMLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	162	154	174	195	214	230	241	248	248	242	239
Places available	125	135	140	140	140	140	140	140	140	140	140
Shortage/surplus (no)	-37	-19	-34	-55	-74	-90	-101	-108	-108	-102	-99
Shortage/surplus (%)	-23%	-12%	-20%	-28%	-35%	-39%	-42%	-44%	-43%	-42%	-41%

North West Surrey: SEN Units/ Specialist Resourced Provision ('Centres') in mainstream schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	60	69	75	76	81	84	84	86	87	88	86
Places available	59	60	54	60	66	72	78	78	78	78	78
Shortage/surplus (no)	-1	-9	-21	-16	-15	-12	-6	-8	-9	-10	-8
Shortage/surplus (%)	-2%	-13%	-28%	-21%	-18%	-14%	-8%	-10%	-10%	-11%	-10%
Notes	Excludes new mainstream specialist resourced provision, proposed for inclusion in SEND Capital Programme and subject to Cabinet's decision.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at HI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	7	6	8	9	8	9	10	9	10	11	11
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-7	-6	-8	-9	-8	-9	-10	-9	-10	-11	-11
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	36	38	41	43	43	42	40	38	36	36	36
Places available	44	40	44	44	44	44	44	44	44	44	44
Shortage/surplus (no)	8	2	3	1	1	2	4	6	8	8	8
Shortage/surplus (%)	18%	4%	7%	2%	2%	6%	9%	14%	17%	19%	19%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLCN designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	39	45	48	48	53	54	54	54	53	54	53
Places available	56	45	64	64	64	64	64	64	64	64	64
Shortage/surplus (no)	17	0	16	16	11	10	10	10	11	10	11
Shortage/surplus (%)	30%	-1%	25%	25%	17%	16%	16%	16%	17%	15%	18%

Pupils/students aged 4-16 years in Reception to Year 14 projected to require a place at VI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	9	11	12	15	15	14	13	13	11	10	10
Places available	19	17	27	27	27	27	27	27	27	27	27
Shortage/surplus (no)	10	6	15	12	12	13	14	14	16	17	17
Shortage/surplus (%)	53%	36%	56%	45%	44%	49%	51%	50%	60%	64%	64%

South East Surrey: Specialist Schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	200	221	265	318	373	410	431	430	426	407	390
Places available	288	188	198	216	281	382	433	470	490	500	500
Shortage/surplus (no)	88	-33	-67	-102	-92	-28	2	40	64	93	110
Shortage/surplus (%)	31%	-15%	-25%	-32%	-25%	-7%	1%	8%	13%	19%	22%
Notes	Excludes proposed withdrawal of projects from SEND Capital Programme and subject to Cabinet's decision.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at Complex ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	171	198	208	218	221	222	219	220	218	214	213
Places available	70	215	223	236	245	246	246	245	245	245	245
Shortage/surplus (no)	-101	17	15	18	24	24	27	25	27	31	32
Shortage/surplus (%)	-59%	8%	7%	8%	10%	10%	11%	10%	11%	13%	13%
Notes	Excludes proposed 21 place expansion at Brooklands School, where legal agreements are still pending.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	262	284	305	322	343	345	357	366	369	364	359
Places available	319	331	346	356	363	371	365	365	365	365	365
Shortage/surplus (no)	57	47	41	34	20	26	8	-1	-4	1	6
Shortage/surplus (%)	18%	14%	12%	10%	5%	7%	2%	0%	-1%	0%	2%
Notes	Excludes proposed project withdrawal from SEND Capital Programme and subject to Cabinet's decision.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SEMH designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	79	90	123	154	180	193	208	201	194	182	174
Places available	92	61	82	82	82	82	82	82	82	82	82
Shortage/surplus (no)	13	-29	-41	-72	-98	-111	-126	-119	-112	-100	-92
Shortage/surplus (%)	14%	-33%	-33%	-47%	-55%	-58%	-61%	-59%	-58%	-55%	-53%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLD/PMLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	156	155	170	191	199	212	221	215	217	213	213
Places available	267	263	266	266	265	264	264	264	264	264	264
Shortage/surplus (no)	111	108	96	75	66	52	43	49	47	51	51
Shortage/surplus (%)	42%	41%	36%	28%	25%	20%	16%	18%	18%	19%	19%
Notes	Excludes proposed 40 place expansion of Woodlands School where legal agreements are pending.										

South East Surrey: SEN Units/ Specialist Resourced Provision ('Centres') in mainstream schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	55	58	61	62	63	62	61	59	58	57	57
Places available	60	77	92	100	104	104	104	104	104	104	104
Shortage/surplus (no)	5	19	31	38	41	42	43	45	46	47	47
Shortage/surplus (%)	8%	24%	34%	38%	40%	41%	42%	43%	44%	45%	45%
Notes	Excludes new mainstream specialist resourced provision, proposed for inclusion in SEND Capital Programme and subject to Cabinet's decision										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at HI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	2	3	3	6	4	2	3	3	3	2	2
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-2	-3	-3	-6	-4	-2	-3	-3	-3	-2	-2
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	21	25	31	31	33	32	31	30	28	28	27
Places available	30	27	30	30	30	30	30	30	30	30	30
Shortage/surplus (no)	9	2	-1	-1	-3	-2	-1	0	2	2	3
Shortage/surplus (%)	30%	8%	-2%	-3%	-8%	-6%	-4%	1%	5%	8%	9%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLCN designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	87	106	116	122	127	134	134	134	137	138	134
Places available	96	103	118	120	120	120	120	120	120	120	120
Shortage/surplus (no)	9	-3	2	-2	-7	-14	-14	-14	-17	-18	-14
Shortage/surplus (%)	9%	-3%	2%	-1%	-5%	-11%	-11%	-10%	-12%	-13%	-11%

Pupils/students aged 4-16 years in Reception to Year 14 projected to require a place at VI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	16	13	12	16	16	12	15	13	14	10	8
Places available	24	18	24	24	24	24	24	24	24	24	24
Shortage/surplus (no)	8	5	12	8	8	12	9	11	10	14	16
Shortage/surplus (%)	33%	27%	49%	32%	33%	51%	38%	46%	42%	59%	65%

South West Surrey: Specialist Schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	72	83	113	150	191	207	225	236	234	225	223
Places available	150	164	164	164	164	164	164	164	164	164	164
Shortage/surplus (no)	78	81	51	14	-27	-43	-61	-72	-70	-61	-59
Shortage/surplus (%)	52%	49%	31%	8%	-14%	-21%	-27%	-31%	-30%	-27%	-26%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at Complex ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	127	128	131	135	148	150	149	151	152	151	150
Places available	105	110	110	110	110	110	110	110	110	110	110
Shortage/surplus (no)	-22	-18	-21	-25	-38	-40	-39	-41	-42	-41	-40
Shortage/surplus (%)	-17%	-14%	-16%	-18%	-26%	-27%	-26%	-27%	-28%	-27%	-26%
Notes	Excludes proposed 51 place expansion at Pond Meadow School, where legal agreements are pending.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	280	318	335	359	372	394	398	400	394	393	384
Places available	258	276	290	314	329	342	348	356	356	356	356
Shortage/surplus (no)	-22	-42	-45	-45	-43	-52	-50	-44	-38	-37	-28
Shortage/surplus (%)	-8%	-13%	-14%	-12%	-12%	-13%	-13%	-11%	-10%	-9%	-7%
Notes	Excludes proposed project withdrawal from SEND Capital Programme and subject to Cabinet's decision.										

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SEMH designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	82	95	100	105	105	109	103	100	95	93	90
Places available	116	128	128	149	171	171	171	171	171	171	171
Shortage/surplus (no)	34	33	28	44	66	62	68	71	76	78	81
Shortage/surplus (%)	29%	25%	22%	29%	39%	36%	40%	41%	45%	45%	47%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLD/PMLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	139	144	191	236	283	321	354	355	352	340	336
Places available	153	155	155	155	155	155	155	155	155	155	155
Shortage/surplus (no)	14	11	-36	-81	-128	-166	-199	-200	-197	-185	-181
Shortage/surplus (%)	9%	7%	-19%	-34%	-45%	-52%	-56%	-56%	-56%	-54%	-54%

South West Surrey: SEN Units/ Specialist Resourced Provision ('Centres') in mainstream schools

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at ASD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	75	82	83	85	87	87	87	85	85	86	85
Places available	84	87	89	94	99	104	109	114	114	114	114
Shortage/surplus (no)	9	5	6	9	12	17	22	29	29	28	29
Shortage/surplus (%)	11%	6%	6%	10%	12%	16%	21%	25%	26%	25%	25%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at HI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	8	11	13	14	13	16	17	18	18	19	20
Places available	15	15	15	15	15	15	15	15	15	15	15
Shortage/surplus (no)	7	4	2	1	2	-1	-2	-3	-3	-4	-5
Shortage/surplus (%)	47%	28%	16%	7%	12%	-6%	-13%	-17%	-15%	-19%	-23%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at MLD designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	28	28	31	32	31	32	31	30	29	29	29
Places available	28	24	26	26	26	26	26	26	26	26	26
Shortage/surplus (no)	0	-4	-5	-6	-5	-6	-5	-4	-3	-3	-3
Shortage/surplus (%)	0%	-13%	-16%	-18%	-16%	-19%	-15%	-12%	-11%	-10%	-10%

Pupils/students aged 4-19 years in Reception to Year 14 projected to require a place at SLCN designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	48	59	58	60	63	61	63	66	65	65	66
Places available	68	57	61	61	61	61	61	61	61	61	61
Shortage/surplus (no)	20	-2	3	1	-2	0	-2	-5	-4	-4	-5
Shortage/surplus (%)	29%	-3%	5%	1%	-3%	0%	-4%	-7%	-6%	-6%	-8%

Pupils/students aged 4-16 years in Reception to Year 14 projected to require a place at VI designated provision

Academic Year	2022-23 (actual)	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Pupil projections (NCY R-14)	5	5	5	6	6	6	5	5	4	3	4
Places available	0	0	0	0	0	0	0	0	0	0	0
Shortage/surplus (no)	-5	-5	-5	-6	-6	-6	-5	-5	-4	-3	-4
Shortage/surplus (%)	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%	-100%

Meeting Surrey Children's Needs

As is the case nationally and detailed above, children and young people aged 4-19 years with EHCPs who live in Surrey attend a broad range of educational provision. Pages 42-53 of the Council's Children and Young People with Additional Needs and Disabilities Sufficiency Plan 2022-2030 sets out the Commissioning Authority's Sufficiency Action Plan. This clarifies the planned activity and associated timescales to ensure that the Council's Sufficiency Plan and intended outcomes are achieved with partners, concurrently to the SEND and AP Capital Programmes delivery of additional capacity within finite capital budget allocations.

The average unit cost difference between state-maintained provision and non-maintained/independent sector provision is £30k per pupil per year. The average unit cost for assisted travel support is £8,300 per pupil, per year.

The committee's assumption is that the projected shortfall would require all children and young people to be diverted to the independent sector, and that all children would meet the eligibility criteria for Council funded travel support. If that was the case then the impact would be as follows:

Estimated Impact on 'CFLLC Revenue Budget'

The average unit cost difference between state-maintained provision and non-maintained/ independent sector provision is £30k per pupil per year. The average unit cost for assisted travel support is £8,300 per pupil, per year. The committee's assumption is that projected shortfall per quadrant would require all children and young people to be diverted to the independent sector, and that all children would meet the eligibility criteria for Council funded travel support. If that was the case then Table 1 sets out the assumed impact on Surrey Dedicated Schools Grant High Needs Block would be as follows:

Table 1: Assumed impact on Surrey Dedicated Schools Grant High Needs Block

Quadrant	Projected shortfall of Specialist Provision 2024/25 to 2032/33	Additional cost to DSG HNB (at £30k per pupil place per year)	Additional cost to SEND Transport Budget (at £8,300 per pupil per year)
North East	715	£21.4m	£6m
North West	848	£25.4m	£7m
South East	255	£7.7m	£2.1m
South West	388	£11.6m	£3.2m
TOTAL	2,206	£66.1m	£18.3m

This approach is not sustainable and does not reflect the wider partnership’s flex in the approach to best meet local need in the long term to ensure our children feel more included, to transition successfully into adulthood, and access high quality education closer to home. There are different options to meet the projected shortfall. Planned for 2025/26, Surrey’s Commissioning Authority in collaboration with the Education Place Planning team will commence engagement with mainstream schools and Trusts to explore opportunities for increasing specialist provision where falling birth rates, sustained lower admissions or planned reduction of PAN could create additional inclusion opportunities within existing provision. The review of current designations of existing specialist schools and specialist ‘centres’ will also ascertain where formal redesignation may be required to better meet the needs of pupils with particular more complex primary needs, within existing estate capacity. This activity is independent of the SEND and AP Capital Programmes.

Proposed changing scope of the SEND Capital Programme

The rationale for the change of scope is set out in the additional detailed briefing provided by officers in writing to the committee members on Friday 7 June. Table 2 shows the additional place availability to 2031/32 which can be created through approved capital investment and delivery between 2019/20 and 2027/28. As set out previously, annual additional place availability differs from annual built places. This is because once construction projects have been completed and new provision is handed over, schools and Trusts need to build their staffing and resource capacity against planned pupil place growth and funding models agreed with the Commissioning Authority and DfE.

Entirely new schools typically grow to full capacity over a 5-year period, whereas small to medium expansions of existing provision typically achieve capacity in 2-4 years.

Table 2: Additional Annual Place Availability for Allocation by Children’s needs 2019/20-2031/32

KEY	
Code	School Designation
AP	Alternative Provision School
ASD	Autism/ Autistic Spectrum Disorder
Access	Mainstream School Access Adaptions
MLD/SpLD	Moderate/Specific Learning Difficulties
SEMH	Social, Emotional, Mental Health Needs
SLCN	Speech, Language and Communication Needs
S/PMLD	Severe/Profound and Multiple Learning Difficulties
VI	Visual Impairment

Needs	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031	2031/2032	TOTAL
	Allocated						To Be Allocated							
AP							25		16					41
ASD	24	74	180	163	126	184	176	113	128	87	54	36	46	1391
Access				1										1
MLD	20		71	67	69	43	26	22	8	4				330
SEMH			34				21	22	60	100	70	50	40	397
SLCN					1	7								8
S/PMLD	33			16		20	16	17	49	37	20	10	10	2281
VI					1	7								8
TOTAL														2404

Where projects are proposed to be withdrawn, existing schools will maintain their current capacity. Asset management and maintenance will continue to be met by the responsible body; the Council for LA maintained schools and Trusts for academies.

Committee’s concern that the South East quadrant of the county would be disproportionately adversely affected

Tables 3 to 6 set out the additional place availability that can be created through capital investment and delivery for the Commissioning Authority’s use by School Designation, aligned with proposals set out in the draft Cabinet report. Of the 2,404 additional places that can be created, the split per quadrant is set out below. Table 3 demonstrates that the South East quadrant of the county is not disproportionately adversely affected by proposed changes to scope of the SEND Capital Programme.

**Table 3: North East Surrey additional place availability by Provision Type
2019/20-2032/33 (649 additional places)**

Provision Type	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032
New Specialist Free School	0	0	64	0	0	77	52	34	17	17	3	0	0
Existing Specialist School Expansion	19	0	8	34	37	9	4	4	0	0	0	0	0
New Mainstream SEN Unit	0	17	21	33	15	32	27	17	15	0	0	0	0
Existing Mainstream SEN Unit Expansion	0	0	11	6	14	5	2	0	0	0	0	0	0
New Mainstream Resourced Provision	0	0	0	0	0	0	16	16	8	0	0	0	0
Mainstream Access Adaptions	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Provision School	0	0	0	0	0	0	15	0	0	0	0	0	0

**Table 4: North West Surrey additional place availability by Provision Type
2019/20-2031/32 (666 additional places)**

Provision Type	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032
New Specialist Free School	0	0	0	0	0	0	0	0	60	40	30	25	15
Existing Specialist School Expansion	26	0	109	72	37	50	43	19	19	19	4	0	0
New Mainstream SEN Unit	0	0	0	0	0	0	6	6	6	6	6	0	0
Existing Mainstream SEN Unit Expansion	0	0	0	0	6	18	4	4	0	0	0	0	0
New Mainstream Resourced Provision	0	0	0	0	0	0	0	8	8	4	0	0	0
Mainstream Access Adaptions	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Provision School	0	0	0	0	0	0	0	0	16	0	0	0	0

**Table 5: South East Surrey additional place availability by Provision Type
2019/20-2031/32 (827 additional places)**

Provision Type	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032
New Specialist Free School	0	0	8	45	16	16	16	0	50	96	76	61	47
Existing Specialist School Expansion	18	42	41	43	24	18	10	17	39	27	20	10	10
New Mainstream SEN Unit	0	0	0	0	10	7	4	4	0	0	0	0	0
Existing Mainstream SEN Unit Expansion	0	0	0	0	8	6	7	0	0	0	0	0	0
New Mainstream Resourced Provision	0	0	0	0	0	0	0	8	8	4	0	0	0
Mainstream Access Adaptions	0	0	0	1	0	0	0	0	0	0	0	0	0
Alternative Provision School	0	0	0	0	0	0	10	0	0	0	0	0	0

Table 6: South West Surrey additional place availability by Provision Type 2019/20-2031/32 (262 additional places)

Provision Type	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	2031-2032
New Specialist Free School	0	0	0	0	0	0	0	0	0	0	0	0	0
Existing Specialist School Expansion	14	0	17	13	30	23	43	32	10	10	0	0	24
New Mainstream SEN Unit	0	15	6	0	0	0	5	5	5	5	5	0	0
Existing Mainstream SEN Unit Expansion	0	0	0	0	0	0	0	0	0	0	0	0	0
New Mainstream Resourced Provision	0	0	0	0	0	0	0	0	0	0	0	0	0
Mainstream Access Adaptions	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Provision School	0	0	0	0	0	0	0	0	0	0	0	0	0

Committee’s concern about the steeply rising demand for SEMH designated provision

The Council has accepted the Secretary of State for Education’s conditions for two new SEMH designated special free schools approved for Surrey. These will create a total 320 additional places for children and young people aged 11-19 years. Projections above show that the maximum need for a total of 165 additional places in the North East of the county can be met through Frimley Oak Academy, which would be the nearest most appropriate school. Projections also show that the maximum need for a total of 126 places in the South East of the county could be met by the proposed new special free school in Banstead.

Committee’s lack of confidence in DfE Free School Delivery

The Department for Education (DfE)’s Free Schools Programme was established 14 years ago under the Government’s free school policy initiative. From May 2015, usage of the term was formally extended to include new academies set up via a local authority competition. There has been no change to Government policy within the meantime.

The two legal routes for establishing a new state-maintained special school have not changed since that period:

1. [DfE Special Free School Programme Central Route](#), where following local authority application to the programme and subject to Secretary of State approval, the competitive process to identify the Trust sponsor, Pre-Opening, and delivery of the school is managed and funded by the Department. The local authority maintains liability for abnormal site development costs (typically £3m-£5m) where the approved new school site is owned by the Council. These costs have to be met within the Council’s approved capital budgets.
2. Local Authority [Special Free School Presumption Route](#), where following LA application to establish a new school and subject to Secretary of State approval, the competitive process to identify the Trust sponsor, Pre-Opening, and delivery of

the school is managed and entirely funded by the Council. These costs have to be met within the Council's approved capital budgets.

SCC strongly supports the DfE's proposed development of Betchwood Vale Academy in Dorking, Frimley Oak Academy in Frimley and the proposed new Special Free School in Banstead.

These are three of five special free schools awarded to the Council between 2018-2024 and totalling more than 500 new places, which are key delivery aspects of the Council's Special Educational Needs (SEND) Capital Programme to improve the long-term sufficiency of state-maintained special school provision that meets the needs of communities across Surrey.

Table 3: Secretary of State for Education approved Surrey Special Free Schools

School	Route	Realistic Year of Opening	Notes
Fox Grove Academy	DfE Central route	Delivered by DfE January 2022	Opened in temporary accommodation funded and delivered by SCC for September 2021.
Hopescourt School	LA Presumption route	2024/25	In contract and due for delivery early September 2025. The school will open in temporary accommodation in September 2024.
Betchwood Vale Academy	DfE Central route	2027/28	Sponsor identified (The Howard Partnership Trust) Delayed as a result of the live Judicial Review appeal against Mole Valey District Council as the Planning Authority, and not actions brought about by the DfE or its appointed contractor.
Frimley Oak Academy	DfE Central route	2027/28	Sponsor identified (London South East Academies Trust) in April 2024. DfE commenced initiation in June 2024.
New Special Free School	DfE Central route	2028/29	Awarded 9 May 2024. Seven Trusts have already pre-registered with DfE to submit applications by the deadline of 19 July

Department for Education High Needs Provision Capital Allocation grant funding (previously Special Provision Capital Allocation Grant funding) received by the Council between 2019/20-2024/25 equates to approximately 25% of the overall SEND and AP Capital Programme costs. To that end, the Council simply could not afford to fund the £95m-£100m that the DfE is investing to deliver the four DfE Central route schools within remaining approved budget allocations for SEND and AP Capital, reaffirmed by the Council at February 2024 budget setting.

Ongoing revenue costs of a shortfall of 660 specialist places, assuming current trends

If all 660 needed to be allocated to the independent sector, ongoing revenue costs would be equivalent of around £35m per year.

Clare Curran
Cabinet Member for Children, Families and Lifelong Learning
25 June 2024

This page is intentionally left blank