

SURREY COUNTY COUNCIL**MS DENISE TURNER-STEWART, CABINET MEMBER FOR
EDUCATION AND LEARNING****DATE: 12 July 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 Growing a Sustainable Economy So Everyone Can Benefit, Tackling Health
STRATEGY Inequalities and Enabling a Greener Future
PRIORITY AREA:

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 Special Educational Needs & Disabilities (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 two proposals below is attached as Annex A:

1. Removal of the boarding provision at Sunnydown School
2. Expansion of Philip Southcote School and Sixth Form and creation of Satellite Centres at Chertsey High School and Kings International College

RECOMMENDATIONS:

It is recommended that:

The Cabinet Member for Education and Learning determines the statutory notices published for each of the two proposals 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 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 Cabinet Member for Education and 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 Cabinet Member decision is required for significant changes to maintained schools.
3. Previous decisions on four other Community schools were taken at the previous Cabinet Member meetings on 8 June and 6 July.
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.
9. No appropriate options for the future of the boarding provision at Sunnydown School arose during the informal consultation. Any detrimental impact on pupil outcomes will affect a marginal proportion of the school population and the school are looking to implement additional learning to counteract this.

RISK MANAGEMENT AND IMPLICATIONS:
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10. 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 two schools will create.
11. The key risk to proposals for Philip Southcote school not being approved is the loss of approximately 50 new secondary special school places, 30 sixth form places and 40 SEN centre places across two school satellite sites that are needed in county to meet the overall projected demand. If this provision were not available and places were required to be provide in the independent sector this would be a £6.36m cost to the DSG High Needs Block. The potential cost containment is shown in paragraph 18 below.
12. The key risks to proposals for Sunnydown School not being approved are that staff who have been part of the consultation on the closure may have sought other employment and should the boarding provision remain open, there may not be sufficient staff. Furthermore, should the removal of the boarding provision not be approved, Surrey County Council will be unable to consult to expand the day provision thus resulting in the loss of approximately 20 places. This would equate to additional revenue funding from the DSG High Needs Block being spent on out of county independent provision year on year.
13. 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.
14. 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:

15. 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.
16. 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.
17. The expansion of Philip Southcote School, which is budgeted to cost a total of £8.31m, will deliver an additional 50 places in Years 7-11, 30 places in Years 12-14 and two 20 place SEN centres at Chertsey High School and Kings International College when fully complete. The £7m for the expansion on the school site was included in the phase 2 SEND Capital and the remaining £1.31m for the specialist centres at Chertsey High School and Kings International College was included in the phase 3 SEND Capital programme. The budget is therefore already included in the approved Capital programme.
18. The average annual cost difference between a Non-Maintained Independent (NMI) and mainstream specialist place is around £30k. When fully occupied, these 120 places at Philip Southcote School would therefore provide cost containment of £3.6m per annum and help to reduce reliance on the NMI sector.
19. The boarding provision at Sunnydown School is currently underutilised and would create a net cost saving of c£100k when operating costs are offset against the reduction in income from the 23 beds. The proposal would not create additional places so there would be no anticipated cost containment saving. There is a potential to expand the school by 20 additional places utilising the space currently occupied by the boarding provision. This would be subject to a separate consultation process.

Section 151 Officer commentary:

20. 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:

20. 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.
21. 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.
22. 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.
23. 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.
24. 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:

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

Other implications:

26. 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:

27. The creation of additional specialist school places directly supports both the Surrey Corporate Parenting Strategy 2020 and the SEND Partnership Strategy 2019.

28. 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:

29. 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.
30. 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:

31. 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.
32. 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:

33. No significant implications arising from this report.

WHAT HAPPENS NEXT:

34. Subject to the Lead Cabinet Member determining the statutory notices Surrey County Council and the Governing Bodies will proceed to implement the two proposals:
1. Removal of the boarding provision at Sunnydown School
 2. Expansion of Philip Southcote School and Sixth Form and creation of Satellite Centres at Chertsey High School and Kings International College

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 Assessment – Sunnydown School

Annex F Equality Impact Assessment – Philip Southcote School
