

**SURREY COUNTY COUNCIL****DENISE TURNER- STEWART, CABINET MEMBER FOR  
EDUCATION AND LEARNING****DATE: 4 JULY 2022****LEAD OFFICER: RACHAEL WARDELL, EXECUTIVE DIRECTOR FOR  
CHILDREN, FAMILIES AND LIFELONG LEARNING****SUBJECT: PROPOSAL TO ESTABLISH A SPECIALIST EDUCATIONAL NEEDS  
(SEN) UNIT AT EPSOM PRIMARY AND NURSERY SCHOOL**

**ORGANISATION STRATEGY PRIORITY AREA:** Tackling Health Inequality, Empowering Communities, Enabling a Greener Future

**SUMMARY OF ISSUE:**

Surrey County Council and the Governing Body of Epsom Primary and Nursery School are proposing to establish a 21 place SEN Unit with a designation of ASD. The SEN Unit will be provided onsite at Epsom Primary and Nursery School utilising existing classroom space within the school. There will be 21 places in the SEN Unit for autistic pupils and those with communication and interaction needs. All pupils will have an Education Health and Care Plan (EHCP) specifying the school as an appropriate placement to meet their individual needs.

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).

Surrey's latest sufficiency modelling projections to 2030-2031, which are based on the previous three year's trends from academic years 2018-2019 to 2020-2021, indicate significant growth in the total number of pupils with Education, Health and Care Plans (EHCPs) resident in Surrey over the forecast period. This projected growth is expected to reach its peak in 2026-27 and 2027-28, before reducing slightly thereafter. By 2030-31, the total number of Surrey EHCP pupils in National Curriculum Years (NCY) 0-14 (age 4-19 years), is projected to be more than 2,500 higher than the 2020-21 total.

Primary age projections show moderately increasing demand from 1,893 places in 2020-2021 which is expected to peak at 2053 places in 2024-2025, before declining there after towards the end of the forecast period.

This represents 8.4% increase in demand for specialist school places over that 4-year period and is equivalent to 160 places. The most prevalent primary needs for pupils aged 4-11 who require a specialist school placement (in order of prevalence)

are Autism and Communication & Interaction needs and Severe or Profound & Multiple Learning Difficulties.

Surrey's existing maintained specialist provision, which includes specialist school places in SEN Units in mainstream schools and in Special Schools/ academies, has over 3,700 places and is full.

The Council's priority is to further reduce reliance on the independent sector, but most importantly ensure local children and young people with Special Educational Needs and Disabilities (SEND) who require specialist school placements can have their educational needs met close to home, more connected to local communities and local support services and within state-maintained provision wherever possible.

Between 2019 and 2022 Surrey's Cabinet approved the strategy for four phases of the SEND Capital Programme with a combined capital investment of £139.6m to expand the local specialist estate at pace. By aligning with the needs identified through updated 10-year SEND sufficiency modelling and local strategy, the expansion of maintained specialist provision is preventing the need for new Non-Maintained Independent (NMI) places to be commissioned. Prior to the start of Surrey's capital investment, lack of sufficiency and high rates of NMI placements made a major contribution to the accumulation of DSG deficit, and equally the investment and development now being delivered and proposed is critical to the return to a financially sustainable position.

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.

The proposal requires Surrey County Council to follow the statutory process outlined in the DfE guidance "Making significant changes ('Prescribed Alterations') to Maintained Schools", because:

- The proposal is establishing new Special Educational Needs Provision in a mainstream school.

#### **RECOMMENDATIONS:**

It is recommended that the Cabinet Member for Education and Learning determines the statutory notices thereby bringing into effect the formal commencement of the proposal to:

- Establish an SEN Unit with a designation of ASD at Epsom Primary and Nursery School.

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 GB (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:**

The proposed establishment of an SEN Unit at Epsom Primary and Nursery School supports Surrey's ambition to ensure sufficient maintained specialist placement availability for primary age autistic pupils and those with communication and Interaction needs.

The Cabinet Member for Education and Learning's approvals and recommendations completes the statutory process in accordance with the DfE guidance "Making significant changes ('Prescribed Alterations') to Maintained Schools".

#### **DETAILS:**

##### **Background**

1. Further to Cabinet approval in September 2019, September 2020, January 2021 and January 2022, **Annex 1** outlines the total number of projects under the SEND Capital Programme which will increase Surrey's specialist school estate.
2. Epsom Primary and Nursery School is a Community School where the Cabinet Member decision is required for significant changes to maintained schools.

##### **Key Outcomes and benefits for children, young people and families:**

3. The provision of additional specialist places will support the county-wide inclusion plan as well as increasing the availability of places for children and young people with SEND to access in the county.
4. Benefits realisation ensures specialist education provision is fit for purpose and creates additional employment/ supported internship opportunities for residents around areas of expansion.
5. Children and young people with SEND can access the help and support they need to thrive and achieve within their local communities. They can go to education provision that meets their needs, access services and play an active role in the community close to where they live.
6. Children, young people and families have access to the same level of high-quality support wherever they live in Surrey. We have a good, shared understanding of our children and young people who have SEND in Surrey and our support offer matches their identified needs.
7. Expanding Surrey's specialist provision aligns with the Next Steps programme and strategy for post-16 to create local further education and employment pathways such as apprenticeships and supported internships.

This enables young people who have SEND to make a successful transition to adulthood and secure employment.

8. Capacity created locally will also ensure SEND home to school transport times are reduced in line with Department for Education recommendations, improving congestion and traffic flow around the county.

#### **CONSULTATION:**

9. An [informal consultation](#) was published from 22 February to 1 April 2022 and further [statutory notices](#) were published from 25 April to 24 May 2022. All consultation documents are available at [www.surreysays.co.uk](http://www.surreysays.co.uk). The statutory notices are also attached as **Annex 2** of this report.

The consultation analysis is attached as **Annex 3**. There were 11 responses during informal consultation. 100% agreed with the proposal to establish an SEN Unit at Epsom Primary and Nursery School. There were 5 responses during the statutory notice period. 100% agreed with the proposal to establish an SEN Unit at Epsom Primary and Nursery School

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

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 and changed specialist provision that the proposal will create.
11. The key risk to the proposal not being approved is the loss of 21 new places that are needed in county to meet the overall projected demand. These places would likely then need to be found in the NMI sector, which based on current average costs equates to £1.1m per annum from the DSG High Needs Block being spent on out of county independent provision year on year. The 21 new places would provide a potential cost containment of £630k as shown in **Table 1**.
12. 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.
13. Surrey County Council has worked closely Epsom Primary and Nursery School 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:**

14. The Capital project is part of Phase 3b of the SEND Capital Programme agreed by Surrey County Council Cabinet on 25 January 2022. The building work to refurbish and make changes to existing space to accommodate the SEN Unit will be completed by 1 September 2022.
15. 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.

**Table 1: Local and Non-Maintained Independent Cost Containment (full year costs)**

School	Capital Investment	Proposed additional places	Revenue costs: Average (£23k)	Comparison to Non-Maintained Independent Average (£53k)	Projected cost containment (annual)
Epsom Primary & Nursery School	£1.1m	21	£483k	£1.1m	£630k

**Section 151 Officer commentary:**

16. Although significant progress has been made to improve the Council's financial position, the medium-term financial outlook beyond 2022/23 remains uncertain. With no clarity on central government funding 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.
17. As such, the Section 151 Officer supports the recommendations of this report as the future of the DSG HNB achieving the planned safety valve trajectory is a significant factor in the Council's medium term financial position. Expanding local SEND provision and reducing reliance on the NMI sector is the single biggest contributor to returning the DSG High Needs Block to financial sustainability

**Legal implications – Monitoring Officer:**

18. 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.

19. 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.
20. Section 27 Children and Families Act 2014 places a duty on the local authority to keep under review the educational provision for children and young people who have special educational needs and or a disability.
21. The local authority has published statutory notices thereby bringing into effect the formal commencement of the proposal prior to the consultation stage in accordance with statutory requirements.
22. In considering this Report, the Cabinet Lead Member for Education and Learning must give due regard to the results of the informal consultation as set out in the report and the response of the Service to the consultation comments and conscientiously take these matters into account when making a final decision.

<b>Equalities and diversity:</b>
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23. The Equality Impact Assessments (EIA) for the proposal is attached to this report as **Annex 4**

<b>Other implications:</b>
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24. The potential implications for the following Council priorities and policy areas have been considered.

<b>Area assessed:</b>	<b>Direct Implications:</b>
Corporate Parenting/Looked After Children	Set out below
Safeguarding responsibilities for vulnerable children and adults	Set out below
Environmental sustainability	Set out below
Public Health	No significant implications arising from this report

<b>Corporate Parenting/Looked After Children implications:</b>
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25. The creation of additional SEN unit places in a mainstream school 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 a mainstream school 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 around 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.

### **WHAT HAPPENS NEXT:**

31. Subject to the Cabinet Member determining the statutory notices Surrey County Council and the Governing Body will proceed to implement the proposal:
  1. To refurbish and make changes to the existing school building subject to feasibility and any planning permission needed.
  2. To establish an SEN Unit with a designation of ASD at Epsom Primary and Nursery School for autistic pupils and those with communication and interaction needs.

The change will be implemented from 1 Sept 2022

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#### **Contact Officer:**

Jane Keenan, Commissioning Manager

#### **Consulted:**

Michelle Pollard, Headteacher, Epsom Primary and Nursery School  
Lisa Kent, Chair of Governing Body, Epsom Primary and Nursery School  
Parents of children attending Epsom Primary and Nursery School  
Children and young people who attend Epsom Primary and Nursery School  
Governing Body, Epsom Primary and Nursery School

Bourne Education Trust  
Surrey Family Voice  
Local residents in Surrey  
Local Cllrs  
Cllr Denise Turner Stewart, Cabinet Member for Education and Learning  
Rachael Wardell, Executive Director for Children, Families and Lifelong Learning  
Liz Mills, Director Education and Learning  
Jane Winterbone, Assistant Director Education  
Hayley Connor, Director Commissioning  
Eamonn Gilbert, Assistant Director Commissioning

**Annexes:**

**Annex 1 SEND Capital Programme list of all projects**

**Annex 2 Statutory Notices (Full)**

**Annex 3 Consultation Analysis**

**Annex 4 Equality Impact Assessment**

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