

## Cabinet (Resources) Panel

27 February 2018

<b>Report title</b>	Special Provision Capital Fund	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Claire Darke Education	
<b>Corporate Plan priority</b>	People - Stronger Communities	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	(All Wards);	
<b>Accountable Director</b>	Meredith Teasdale, Director of Education	
<b>Originating service</b>	Education	
<b>Accountable employee</b>	Adrian Leach	Head of SEND
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<b>Report to be/has been considered by</b>	Education Leadership Team	5 February 2018

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### Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Endorse the acceptance of a grant of £1,158,571 over three years from the Department of Education in relation to the Special Provision Capital Fund.
2. Endorse the development of the planned investment of the Special Provision Capital Fund, in line with the guiding principles set out in the report.
3. Delegate authority to the Cabinet Member for Education, in consultation with the Director of Education, for decisions relating to the future investment of the Special Provision Capital Fund.

## **1.0 Purpose**

- 1.1 This paper introduces the Special Provision Capital Fund and identifies the principles intended to guide the future investment of the capital resource.
- 1.2 The paper seeks approval to delegate authority to the Cabinet Member for Education, in consultation with the Director of Education, for decisions relating to the future investment of the Special Provision Capital Fund.

## **2.0 Background**

- 2.1 Local authorities must ensure that there are sufficient good school places for all pupils, including those with Special Educational Needs and Disabilities (SEND).
- 2.2 The Children and Families Act 2014 requires local authorities to keep provision for children and young people with SEND under review (including its sufficiency).
- 2.3 In January 2017, there were 1,175 students with a statement or education, health and care plan attending schools in Wolverhampton, or 2.6% of the number of students on roll (Department for Education, 2017).
- 2.4 In recent years the proportion of students attending schools in Wolverhampton with a statement or education, health and care plan has decreased from 3.4% in January 2014 to 2.6% in January 2017 (Department for Education, 2017).
- 2.5 Data provided by schools suggests that in January 2017, the most prevalent recorded primary needs of students with a statement or education, health and care plan in schools in Wolverhampton were Moderate Learning Difficulties (21.9%), Severe Learning Difficulties (18.6%) and Autism Spectrum Disorder (13.7%) (School Census, 2017).
- 2.6 The 2016 Joint Strategic Needs Assessment (JSNA)'s Topic Specific Report into Children and Young People with Special Educational Needs and Disability (SEND) in Wolverhampton predicted an increase in the 0 - 24 year old population, particularly those in the age group 10 - 24 year olds, an increase in: specific learning difficulty, visual impairment, and language and communication needs in secondary schools, an increased rate of autism and increasing complexity of need, including mental health (CWC JSNA, 2016)
- 2.7 To inform the development of the special school estate in Wolverhampton the Council commissioned an external partner (1st Planner) to undertake a sufficiency assessment of the school estate in June 2016. This review has been completed and the findings will support decisions regarding future investment and development of the estate.

## **3.0 Special Provision Capital Fund**

- 3.1 Central Government has committed £215 million of capital funding to help local authorities create new school places and improve existing facilities for children and young people with SEND.

- 3.2 Wolverhampton has been allocated £386,190 a year for the next three years (2018-2019, 2019-2020, 2020-2021); a total of £1,158,571. Individual authorities' allocations are informed by projected population growth and weighted by location factors.
- 3.3 The Department for Education's (DfE) guidance explains that the fund is to, "...invest in provision for Children and young people with SEN and disabilities aged 0-25 to improve the quality and range of provision available to the local authority. It is intended for the children and young people with education, health and care plans for whom the local authority is responsible." (DfE 2017)
- 3.4 The funding can be invested in either creating new places at good or outstanding provision, improving facilities or developing new facilities. It can be invested in a wide range of provision types including; mainstream schools and colleges, special units or resourced provision, special schools, Pupil Referral Units, nursery or early years providers.
- 3.5 There are restrictions on the use of the funding cited in the aforementioned DfE guidance. The funding is not intended for; higher education, provision for those aged 25 and over, the expansion of provision for pupils who do not have education, health and care plans, reasonable adjustments that schools are required to fund as part of the accessibility requirements, revenue expenditure (e.g. furniture), individual mobility equipment nor maintenance work.
- 3.6 Prior to receiving the funding (first tranche anticipated in summer 2018), the City of Wolverhampton Council needs to; publish plans on the Local Offer, consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities and work with education providers to agree how the capital can best be targeted.

#### **4.0 Guiding Principles**

- 4.1 Aligned to the aims identified within Wolverhampton's Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020 which was approved by Cabinet in February 2016, the identification and development of proposed schemes would be guided by the following principles.
- 4.2 Planned investment must:
- A. Be informed by robust evidence.
  - B. Be subject to broad and genuine consultation with children, families and providers.
  - C. Support the development of a strong graduated response.
  - D. Develop local provision.
- 4.3 Given the need to advance the identification of proposed investment priorities and undertake appropriate consultation to secure funding allocated through the Special Provision Capital Fund, it is recommended that Cabinet Resources Panel delegate authority to the Cabinet Member for Education, in consultation with the Director of

Education, for decisions relating to the future investment of the Special Provision Capital Fund.

4.4 To support the development of appropriate and robust priorities for investment, the following activities will be undertaken:

- Identification of priorities informed by a Needs Analysis, Provision GAP Analysis and the Special School Estate Sufficiency Assessment.
- Publication of proposed investment(s) on Wolverhampton's Local Offer website.
- Consultation with key stakeholders including children and young people, parents and carers, partner organisations, Ward Councillors and providers.

## **5.0 Evaluation of alternative options**

5.1 The funding available through the Special Provision Capital Fund offers the opportunity to improve provision and support for children and young with SEND.

5.2 The proposed delegation of authority enables required activities to be undertaken in a timely fashion to secure funding allocated through the Special Provision Capital Fund. Whilst alternative decision-making functions could be employed, they may impair the Council's ability to fulfil the necessary requirements regarding publication and consultation.

5.3 The Council must fulfil the necessary requirements to secure the allocated funding.

## **6.0 Reasons for decision**

6.1 The approval of this report's recommendations would maximise the opportunity for investment in provision for children and young people with SEND and support the realisation of the aims identified within Wolverhampton's Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020.

## **7.0 Financial implications**

7.1 The Special Provision is a capital grant, that will be monitored through the Council's Capital Programme which is reported to cabinet members on a quarterly basis.

7.2 In order to secure the grant, the Department for Education (DfE) require that Local Authorities publish a short plan of how they intend to invest their allocation on their local offer web page, which is visible to parents, carers and other local groups. This will be monitored on an annual basis by the DfE, and updates are required to ensure continued grant allocations for the full three years.

Individual schemes are to be identified and the budget apportioned appropriately, with delegated approval, for inclusion in the Council's Capital Programme to enable robust financial monitoring – ensuring that the grant is being used for its intended purpose, and to ensure accurate reporting to cabinet members. [DB/12022018/Z]

## **8.0 Legal implications**

- 8.1 Local authorities have a statutory duty to ensure that there is a school place available for every child. The Children and Families Act 2014 requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency), working with parents, young people, and providers. It is within this context that Cabinet (Resources) Panel must consider how best to use the capital allocation for Wolverhampton to support plans to meet local need.  
[RB/08022018/D]

## **9.0 Equalities implications**

- 9.1 The Joint Strategy for Children and Young People with Special Educational Needs and Disability (SEND) 2015-2020 has previously been subject to equality analysis.
- 9.2 Individual investment proposals would be subject to appropriate equality impact assessments informed by consultation with parents, young people and providers.

## **10.0 Environmental implications**

- 10.1 There are no environmental implications associated with this report.

## **11.0 Human resources implications**

- 11.1 There are no human resource implications associated with this report.

## **12.0 Corporate Landlord implications**

- 12.1 Corporate Landlord will work with the Director for Education where individual investment proposals impact on the buildings and environments, to support delivery and achievement of the SEND programme. This will include investigating options for investment and prioritisation of those investments.

## **13.0 Schedule of background papers**

- DfE (August 2017) Special Provision Capital Fund Guidance
- JSNA (2016) Children and Young People with Special Educational Needs and Disability (SEND) in Wolverhampton
- Cabinet Resources Panel (7 June 2016) Procurement - award of contracts for works, goods and services
- Cabinet (24 February 2016) Joint Special Educational Needs and Disabilities Strategy