

Executive

22 November 2022

Report of the Assistant Director, Education and Skills
Portfolio of the Executive Member for Children's Services and
Education

SEND Capital Plan, 2023-25

Summary

1. This report provides details about the plan for capital schemes to improve the sufficiency of provision for children and young people with special educational needs and/or disabilities (SEND). Capital schemes in the plan are designed to improve the sufficiency of provision in both specialist and mainstream settings to ensure that the majority of children and young people with SEND are able to be educated in appropriate provision in the City of York. The SEND capital plan is part of the implementation plan for the priorities identified through the Inclusion Review and is an essential part of the Safety Valve delivery plan. The Executive is asked to approve the use of £8 million of SEND capital to fund the individual schemes outlined in this paper. The Executive is asked to devolve decisions about the use of SEND capital to the Corporate Director, Children's Services and Education and the Executive Member for Children's Services and Education.

Recommendations

2. Executive are asked to consider approving the schemes outlined in the SEND Capital Plan, 2023-25.

Reason: This will ensure that the sufficiency of suitable school places for children and young people with SEND has been addressed, reducing the need for out of city provision and meeting parental preferences.

Background

3. Phase 3 of the Inclusion Review began in March 2019 and focused on identifying the sufficiency gaps in the current provision for children and young people with SEND in York. A review of the changes in primary need identified in SEND data has highlighted an increase in autism and social, emotional and mental health needs (SEMH). This trend has been seen nationally, regionally and within the City of York.
4. Following the introduction of the Children and Families Act in 2014 and the implementation of the SEND Code of Practice in 2015 the council, in common with local authorities across England, has found itself with a cumulative deficit in the high needs funding received via the dedicated schools' grant. This has been due to the growth in demand for special educational needs (SEN) provision greatly exceeding the government funding provided over the past eight years. The deficit had arisen due to changes in the requirements for SEND provision from local authorities, including extending the upper age limit for support from 18 to 25, which has led to a commensurate increase in the costs of maintaining access to education provision.
5. In March 2022 the council entered into a Safety Valve agreement with the Department for Education (DfE) which will clear the cumulative deficit by 2025/26. The agreement will not impact on the council's reserves to deliver services. The DfE has committed to paying the council £17.1 million over the five years to 2025/26. Further funding will come from the DfE increasing the formula funding being given to local government for SEN places as part of the spending review and, as a safety valve authority, the council has also been able to access additional capital funding for the delivery of additional in-city school places.
6. To support the delivery of the Safety Valve agreement the local authority has successfully secured £3 million of additional capital funding from the Department for Education. This is in addition to the £5 million of SEND capital funding that will be received over the next two years and will allow York to ensure that the sufficiency issues identified through the Inclusion Review have been addressed. Ensuring sufficiency of in-city provision is an important focus of the Safety Valve plan as this will impact on reducing both the overall costs of provision and will also reduce the costs of SEND transport.

7. An important outcome of the SEND capital plan is the need to restore parental confidence in mainstream and in-city provision, particularly for children with autism, communication and interaction and social, emotional and mental health needs. The options explored have built on the success of provision that already exists in the city. There are currently two generic special schools (Applefields and Hob Moor Oaks) and specialist SEMH provision provided by the Danesgate Community which also provides places for children permanently excluded from school. There are existing enhanced resource provision bases at St Paul's Nursery School, St Oswald's Primary School, Haxby Road Primary Academy and The Joseph Rowntree School and Fulford School. Children on the roll of Applefields School are also supported through satellite provision at Manor Church of England Academy and Millthorpe School. The development of the proposed capital projects has considered the geographical spread of provision across the city but has also considered where existing expertise can be used to best effect. In developing proposals for new enhanced resource provision (ERP) in the secondary phase all secondary schools were asked to provide an expression of interest in hosting an ERP and Huntington School submitted an expression of interest.
8. In 2021/22 there has been significant investment in capital works at both the Danesgate Community and Applefields Special School which will help to manage current and immediate sufficiency pressures in our specialist secondary settings. The capital work at both schools has remodelled existing space on both sites to make spaces that are more fit for purpose for children with complex autism and SEMH.

The SEND Capital Plan, 2023-25

9. The schemes identified as the SEND capital plan for 2023-2025 are aligned to addressing the place pressures identified through sufficiency mapping. The numbers of children and young people with education, health and care plans continues to increase. Between January 2020 and September 2022 the number of EHCPs increased from 936 to 1,218. In September 2022 65% of children with an EHCP were in mainstream settings. The following proposals are designed to ensure that the city is able to provide appropriate school places for children with SEND. The specific proposed capital schemes to deliver appropriate school places are described in the following paragraphs.

St Paul's Nursery Enhanced Resource Provision

10. The proposed capital works at St Paul's Nursery will further develop the enhanced resource provision in the maintained nursery school. This will create an early years support hub focused on Communication and Interaction needs.
11. The nursery school site requires capital works to address current condition issues and to create more appropriate places for children with communication and interaction needs. The scheme will involve replacing an L-shaped extension to the building which is at the end of its life and remodelling the space to create additional teaching space, a sensory intervention space, a speech and language intervention area and changing spaces more suited to the children's needs. Both internal and external space will be remodelled to improve the use of space on the site and increase storage capacity. The nursery will also have space to support outreach and professional development for the early years sector as part of the proposed capital scheme. The budget required for this scheme is **£1.2 million**.

Haxby Road Enhanced Resource Provision

12. In the primary phase the proposal is to expand the current successful provision at Haxby Road. This provision is consistently over-subscribed and in high demand from parents, carers and schools. The current model of provision works and meets needs. The current provision is located in a Victorian primary school with limited space and this has placed constraints on the further development of the provision. The SEND Capital Plan would be to develop additional provision on the site at Lakeside Primary (in the same multi-academy trust as Haxby Road). The provision at Lakeside would be operated as a second site for the Haxby Road Enhanced Resource Provision (ERP) and the children would be on the roll of Haxby Road School. Work is currently taking place on developing the plans for the provision at Lakeside. The work will involve remodelling the existing site to create space for two additional rooms with breakout and sensory spaces for the enhanced resource provision. An indicative budget of **£1,437,055.20 million** has been assigned to this project.

Huntington School Enhanced Resource Provision

13. In mainstream secondary the proposal is to support the ambition for increased inclusion through using capital works to create appropriate accessible facilities for children with complex communication and interaction needs. Particularly for children with autism and anxiety disorders. We propose to develop an additional secondary enhanced resource provision at Huntington secondary school for young people with autism.
14. The proposal is to deliver a modular building with a separate entrance. Work will be phased over three years and will be located on the footprint of a temporary two classroom unit and the existing cycle storage area at the front of the school. The proposed budget allows for the relocation of the cycle storage and the demolition of the temporary classroom unit. This includes:
 - Phase One 1 (September 23): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage; Pupil toilets; 1 x hygiene suite; staff area/kitchenette and toilet.
 - Phase Two (September 2024): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage
 - Phase Three (September 2025): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage

Indicative Budget

Phase 1: £816,000

Phase 2: £476,000

Phase 3: £515,000

Total Indicative Budget: **£1,807,000**

Specialist SEMH Sufficiency

15. The Inclusion Review, analysis of existing school provision and consultation with school leaders has identified a continuing pressure on in-city specialist provision for children and young people with social, emotional and mental health needs. The Danesgate Community has fulfilled the role of providing specialist support for children and young people with SEMH whilst having the designation of being a pupil referral unit (PRU). Capital works have

been taking place at the Danesgate Community during 2022 which have been designed to reshape the provision on site to better meet the needs of the majority of the cohort that they now serve. The majority of children and young people at Danesgate have an education, health and care plan and this has led to the need to develop an enhanced specialist approach on the Danesgate site. The PRU provision is designed for children and young people who have been permanently excluded from school or who are at risk of permanent exclusion. The local authority is required by law to arrange a full - time education from the sixth school day following permanent exclusion. Permanent exclusion should always be the last resort and the local authority works with schools to explore all available options to avoid permanent exclusion, including curriculum adaptations, access to alternative provision and short term behaviour interventions provided by the Danesgate Outreach service and the Danesgate Kestrel provision. Since 2020 the local authority has been co-ordinating a directory of quality assured alternative provision providers and this has proved successful in developing the range of interventions open to schools to support children and young people at risk of exclusion. However, there remain a small number of young people who remain at risk of permanent exclusion. This means that the PRU element of the Danesgate Community now represents a smaller element of the provision and it is appropriate for the local authority to consider the options to develop full time provision for permanently excluded children and young people which meets their needs and supports them to achieve better outcomes through developing additional high quality alternative provision. The development of additional alternative provision will include supporting adaptations to existing school/college provision and community based provision. This would ensure that provision would be available closer to children and young people's homes reducing the need for transporting children over long distances. Developing additional alternative provision would ensure that the Danesgate main site could better meet the need for additional specialist SEMH places in - city between 2023 and 2025 and this would help to reduce the need for out of city placements for children with autism whose presenting need is SEMH.

16. The development of additional alternative provision would provide sufficient places for the local authority to meet its statutory duties to provide education for children and young people subject to permanent exclusion and would create sufficient specialist places to

meet need on the Danesgate main site up to 2025 and beyond. The development of this provision is proposed as part of the SEND Capital Plan. The develop of additional alternative provision will be part of a full consultation process with all education providers in the city in January 2023.

Applefields School

The final phase of capital works at Applefields School is required to take place over the next 3 years. This work will involve:

2023/24 Adaptations to 4 classrooms.

2024/25 The amalgamation of two classrooms to create 1 large classroom and 2 small classrooms; 4 classroom adaptations and hoist upgrade work.

2025/26 The final stage to include office suite infill in existing courtyard and hydrotherapy pool upgrade.

Indicative Budget:

Phase 1: £490,000

Phase 2: £1,114,600

Phase 3: £470,000

Total Indicative Budget: **£2,074,600**

Summary of capital costs for proposed SEND capital projects

Project	Indicative cost (including contingency)
St Paul's Nursery	£1,200,000
Haxby Road ERP (Lakeside site)	£1,437,055.20.
Huntington Secondary ERP	£1,807,000
Applefields Special School	£2,074,600
Developing additional alternative provision	£1,400,000
Total	£8,000,000

Consultation

17. The Inclusion Review consultation was used to identify current gaps in SEND sufficiency. Between May and June 2021, a city-wide consultation took place with all stakeholders including parents and carers and children and young people. The purpose of the consultation was to gain feedback about the current city-wide provision for children with special educational needs and/or disabilities (SEND) to inform proposals about future provision. The consultation asked questions about mainstream and specialist provision and the perceived sufficiency gaps in current provision. The consultation ran for a period of 4 weeks and in total over 600 people accessed the consultation documents. The outcomes from the consultation were:
 - The majority of parents/carers would like their children to access mainstream education with appropriate support in place.
 - There was support for enhanced resource provision across all age ranges.
 - There is a need to improve support for families – particularly linked to SEMH/Autism/ADHD.
18. The delivery of each of the capital projects outlined in this report will involve statutory consultations as part of the planning application for each scheme.

Options

19. Option 1 – Do nothing
20. Option 2- Deliver the schemes described in this report which form the SEND Capital Plan, 2023-25
21. Option 3 – Remove some schemes from the plan and increase the contingency available to support the delivery of enhanced resource provision.

Analysis

19. Option 1 – Do nothing would result in the local authority being unable to deliver sufficient suitable school places in city for children and young people with SEND. This will result in more children and

young people having to access out of city provision which will increase the pressures on the dedicated school grant and would mean that children and young people with SEND are unable to go to schools close to their homes.

20. Option 2 – Delivery of the capital schemes described in this report will address current and future sufficiency needs and will support the delivery of the Safety Valve agreement.
21. Option 3- Prioritising the delivery of some parts of the plan would not fully address the current sufficiency issues that the city has. This is likely to lead to an increase in children being placed out of city for their education provision which would increase the pressures on high needs funding.

Implications

23. **Financial** - The schemes outlined in this report will all be funded under the heading of the overall scheme titled Expansion and Improvement of Facilities for Pupils with SEND. There is currently a total of £8.67m in this scheme, funded mainly by SEND grant, supplemented with small amounts of Basic Need funding and corporate capital resource. These schemes will commit the majority of the available SEND capital resource.

Following approval, these schemes will be separated out within the overall Children's capital programme as major schemes in their own right to facilitate monitoring at individual scheme level.

24. **Human Resources (HR)** - There are no HR implications.
25. **Equalities** - ensuring access to sufficient and appropriate education provision for children and young people with SEND will support the delivery of the Equalities Duty.
26. **Legal** – Under part 3, section 27 of the Children and Families Act the local authority has the duty to keep education and care provision for children and young people with SEND under review. The duty requires the local authority to consider the extent to which provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

Risk Management

27. Due to the inflationary pressures the budgets for capital schemes are subject to significant variance between feasibility and final delivery. All efforts will be made to mitigate this through the tendering process. Contingencies have been built into the budget for each project and variances will be supported by basic need funding.

Council Plan

28. The delivery of the SEND Capital Plan supports the Council's priority to ensure a better start for children and young people by improving the sufficiency of school places for children and young people with SEND.

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**Report
Approved**



Date
02/11/22

Specialist Implications Officer(s)

Financial:

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Wards Affected:

All

For further information please contact the author of the report

Annex – Equalities Impact Assessment