

Cabinet

17 October 2024

SEND Resourced Provisions

Recommendation

That Cabinet supports the further establishment of county wide SEND resourced provisions as set out in this report to be funded by the Department for Education high needs capital allocation 2024-2028.

1. Executive Summary

- 1.1 Cabinet will be aware from previous reports that the number of children identified with Special Educational Needs and Disabilities (SEND) is forecast to increase, including the number of children with Education, Health and Care (EHC) plans. Cabinet has endorsed the Delivering Better Value (DBV) programme of work to mitigate against the financial impact of this increase. Activity within the DBV programme includes the establishment of more SEND Resourced Provisions within the County. This report sets out the business case for capital funding for SEND Resourced Provisions until 2028.
- 1.2 A significant part of the analysis informing the DBV activity focussed on different types of placement for children at school age. This is due to the significant variance in funding.

Setting	Average cost (P3 2024/25) for child with EHC plan	Number of placements (Jan 2024)
Mainstream school (not resourced provisions)	£10,744 (excludes schools £6k contribution)	1,964
Mainstream school (resourced provisions)	£22,678 (includes £10k place funding)	168
State funded special school	£24,285 (includes £10k place funding)	1,723
Independent specialist provision	£66,328	324

- 1.3 Therefore, one of the key workstreams within the Delivering Better Value (DBV) programme is to expand the number of resourced provision places from 168 in January 2024 to 529 places by 2028.
- 1.4 The logic is that a high proportion of children currently supported in state-special schools could have been supported in SEND resourced provisions

had they been available. As a result of state special schools being at capacity, there has been an increase in commissioning of independent specialist provision. By creating SEND resourced provisions, this will free up capacity in state special schools to support children who otherwise are being placed in independent specialist provision. This is estimated, based on the DBV programme analysis, to avoid £25m of High Needs Block costs (62% of total target) by 2028.

- 1.5 The rationale is not to remove children from special schools into SEND resourced provisions. Instead, the establishment of SEND resourced provisions will provide broader options in decision making for future requests for education provision. In future, there will be greater opportunity to place children at SEND resourced provisions within mainstream in accordance with their needs and the provision set out in the child's EHC plan.
- 1.6 This paper sets out how the Council can achieve this within the expected High Needs Capital Funding allocations from the DfE. There are three caveats to this:
 - 1) Future allocations are estimated and there have been no financial announcements by the new government on SEND capital funding;
 - 2) There is currently capital funding allocated for expanding two special schools at Oak Wood and Evergreen. This proposal does not provide further capital allocation beyond current commitments to Oak Wood and Evergreen;
 - 3) This represents 31 projects across 4 years - costs and feasibility will vary significantly from school to school affecting the uniformity of spend.

2. Financial Implications

- 2.1 The purpose of the SEND resourced provision programme is to reduce revenue spend on places in special schools and independent specialist provision (ISP). The calculations in the Delivering Better Value Programme took into account projections in costs, numbers and confidence levels.
- 2.2 The costs for a SEND resourced provision can vary significantly (from £30k to £1.3m dependent on the setting) and take anything between two terms and two years to establish. The service will always seek to make use of existing assets and space prior to any capital commitment. The service will also seek to include resourced provisions into new school specifications and take advantage of section 106 contributions from developers where conditions allow. At this point however, in order to estimate costs, an average of £300k for a primary SEND resourced provision and £900k for a secondary resourced provision will be used.
- 2.3 High Needs Capital is received for SEND provisions from the Department for Education (DfE). This is the main capital funding source for SEND. Over the last four years the allocations have been £6m (2021/22), £6m (2022/23), £7m (2023/24) and £2m (2024/25). Therefore, an estimate has been made based on average allocations that £5m will be received each year going forward from

2025/26, although this could vary year to year based on DfE announcements. For the funding received to date, £6m remains unallocated, leading to a cumulative available capital budget of £21.000m for the period 2024-2028.

Phase	Unit cost	Minimum number of additional resourced provisions	Estimated cost
Primary SEND Resourced Provisions (additional)	£300,000	17	£ 5,100,000
Secondary SEND Resourced Provisions (additional)	£900,000	14	£ 12,600,000
Total		31	£17,700,000

- 2.4 To meet the minimum expectations of the DBV programme, it is estimated that £17.700m capital funding will be required. If the Council support ambitions to go further than the DBV programme (see paragraph 4.12) then £25.160m will be required. Therefore, if assumptions and estimations of capital income and spend are proved correct then there will be sufficient funding from the DfE High Needs capital allocations from 2024 - 2028 for the lower range ambition and a shortfall of £4.160m for the upper range ambition. As the funding for expansion of cross county resourced provision is being funded from the DfE high needs allocation there is not expected to be any call on County Council funding through the Capital Investment Fund. Therefore, this report has no implications for the allocation of £20.155m from the Capital Investment Fund towards the provision of mainstream school places as was approved by Council on 23 July 2024.
- 2.5 Any overruns on costs will need to be met from the High Needs Capital Allocation. Should there be issues with overspend or cashflow, projects will need to be delayed or scaled back accordingly. Education Services remain in regular contact with the regional DfE team who advise on when to expect funding announcements. We share the pipeline of works with the DfE who can also advise if any problems with projected funding are anticipated.
- 2.6 Based on the tables above, capital investment of £17.700m over 5 years will lead to £25.616m of cost avoidance during the same period as well as an ongoing cost avoidance beyond this period. There is an ongoing saving of £10.618m from the final year onwards.
- 2.7 If the Council receives less than the forecast estimated levels of High Needs Capital Funding from the DfE which are based on an average of previous years allocations then there will be a shortfall.
- 2.8 This capital expenditure total excludes any other major expenditure – such as establishing a new special school. Any business case for a new special school will be considered through the national Wave scheme for new schools or via the Capital Investment Fund.

- 2.9 It is anticipated that, with the volume of mainstream and resourced provision projects moving through feasibility and design and development at different stages with differing programmes of delivery, there will continue to be quarterly reports to Cabinet/Council requesting additions to the Education Capital Programme for individual Resourced Provision schemes as is currently the case.
- 2.10 All capital projects are delivered in accordance with Contract Standing Orders in partnership with Legal and Procurement.

3. Environmental Implications

- 3.1 The County Council will look to use modern methods of construction to achieve efficiencies and benefits particularly in terms of time, cost, and the environment.
- 3.2 Environmental risk assessments, together with mitigation statements to reduce any potential environmental impacts, are required for any capital project.
- 3.3 All future school capital projects will be developed in accordance with statutory regulations which include the revised Building Regulations 2021. These new building regulations include significant changes to the regulations around ventilation, energy efficiency and overheating, electric vehicle charging and a number of smaller supporting elements of the regulations. Schools will therefore be built to new standards that are expected to produce lower carbon dioxide omissions compared to previous standards.
- 3.4 As part of the feasibility work on capital projects, where feasible net zero options and associated costs have been explored and considered.
- 3.5 Extensions to existing buildings make environmental improvements a challenge. However, where possible new build elements will be fossil fuel free and will be net zero carbon enabled.
- 3.6 Proposed schemes aim to ensure the sufficiency of, and accessibility to, provision in local settings avoiding the need to travel further afield to access education or childcare provision. The provision and access to local education provision supports the promotion of active travel and the health and wellbeing, economic and environmental benefits this can bring.

4. Supporting Information

What is SEND Resourced Provision?

- 4.1 'Resourced Provisions are where places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school.'

The local authority is responsible for all children with an EHC plan and therefore is the admissions authority for each resourced provision (as children attending resourced provisions must have an EHC plan). It is mainstream provision, but because of the extra resources many see resourced provision as a bridge between mainstream and special schools.

- 4.2 In the DBV sampling, it was estimated that 57% of children supported in state-funded special schools with an EHC plan could have been supported in a resourced provision had a place been available. This has a knock-on effect as some children are placed in independent specialist provision because state-funded special schools are at capacity.
- 4.3 In 2015, Warwickshire did not have any SEND resourced provisions. It now has 19 resourced provisions and has commissioned four new special schools in that time. The number of children with EHC plans has continued to increase from 3,257 in 2017 to 6,054 in 2024.

What is required to establish a SEND Resourced Provision?

- 4.4 *A school.* The local authority has no powers to direct a school to establish a resourced provision. This has led to areas of the county where there is no resourced provision because no schools have been persuaded to establish one. This is particularly difficult in the secondary phase where there is a lack of space and often a strong focus on performance at Key Stage 4. Part of the new strategy for persuading schools to establish a resourced provision is to highlight the needs in their local area, prioritising appropriate placements for children in their own school before starting wider consultations and trying to persuade multiple schools to establish resourced provisions in a local area.
- 4.5 *A space.* Resourced provisions should have dedicated spaces for their children. Ideally, this will be within the main school building, but it can be in a separate building close to the main school that still feels part of the school community. In some schools, a suitable space is quickly identified, whilst in other schools an additional building is required – it is dependent on the setting. Capital projects delivered to date have cost as little as £30k and as much as £1.3m.
- 4.6 *Funding.* The revenue funding model is in place. Schools receive between £19k to £22k comprised of £10k place funding and top-up funding from £9k – £12k. Commissions in academies are made via the Education and Skills Funding Agency in the November preceding the following September (with any resourced provisions places agreed after November funded directly from the local authority). Resourced provisions are timed to open their provision in September or January in line with Autumn and Spring terms.
- 4.7 *Staffing.* The basic staffing model is one specialist teacher and two teaching assistants for 8 children. Where the number of commissioned places is above 8, there are variations of the model with more teachers and teaching assistants as well as pastoral support and lunch time supervisors. It takes a minimum of two terms to establish a resourced provision because of the need to recruit and train staff.

- 4.8 *A designation.* There are four broad types of need: Communication and Interaction (C&I), Cognition and Learning (C&L), Social Emotional and Mental Health (SEMH) and Physical and Sensory (P&S). Each resourced provision must have a designation. C&I makes up 53% of primary needs for children with EHC plans, however children with SEMH primary needs make up the majority of placements in independent specialist provision (47%), followed by C&I (42%). Therefore, the local authority is focussing on establishing C&I and SEMH resourced provisions.
- 4.9 *Approval following public consultation.* Establishing a resourced provision is a change to the establishment detail of the school and therefore requires a public consultation and formal decision. For maintained schools the decision is taken by the Cabinet of the County Council. For academies the decision is taken by the West Midlands Advisory Board.

Where do we need them most?

- 4.10 The original approach to establishing SEND resourced provisions was to have resourced provision in each district and borough. Whilst primary resourced provisions have been established in each district and borough area, only two secondary resourced provisions had been established by 2023/2024, one in Rugby and the other in the Leamington area. Given the increasing level of need, further resourced provisions have been established in response to high level needs which have been identified in certain cohorts at individual schools.
- 4.11 It is now more appropriate to consider the establishment of resourced provision at a consortia level – groups of up to 16 primary schools in a local geographical area. Of 14 primary consortia in the County, seven have SEND resourced provisions. Of the four secondary areas, two have SEND resourced provisions.
- 4.12 In order to reach the target of 529 places including existing provision, the proposal is to ensure that each primary consortia has a minimum of two SEND resourced provisions and each secondary area a minimum of three SEND resourced provisions (with proposed three in Rugby, four in Central, four in Stratford and five in North, Nuneaton & Bedworth). As children will be able to access provision closer to their family home, this should also have a positive impact on the growing SEND Home to School transport costs in this area. With 8 places in each primary resourced provision and 20 in each secondary provision this would total 600 places at 50 bases (assuming those with more than two SEND resourced provisions in consortia remain). This would require an additional 31 bases to current provision.
- 4.13 Given the continued rise in need and complexity of need, it is proposed that there is ambition to go beyond this within the financial envelope, considering additional resourced provisions in areas of high need (eg. Nuneaton) and additional secondary resourced provisions where possible (given the high number of moves from mainstream to specialist provision at Year 7).
- 4.14 In September 2024, two secondary schools have opened SEND resourced provisions (in Warwick and Bedworth) and four primary SEND resourced

provisions have opened. Two further resourced provisions are expected to open within the year creating 68 more places. In addition, two current SEND resourced provisions are expanding their numbers. This will result in 254 places in resourced provision by January 2025 (ahead of the DBV target for 2025 of 231).

- 4.15 In selecting resourced provision opportunities to take forward priority is to be given to secondary resourced provision and primary consortia areas without an existing resourced provision. Where there is choice across a primary consortium, the least expensive capital option will be prioritised.
- 4.16 New primary schools will include resourced provision in their design (eg. Lighthorne Heath and Shottery St. Andrews approved by Cabinet in May 2024) and secondary expansions will include resourced provision where there is an unmet need and the school would like to pursue the establishment of a resourced provision

5. Timescales associated with the decision and next steps

- 5.1 The roll out of new SEND resourced provisions is planned with immediate effect until 2028. For each project, Cabinet approval will be required via the Education Capital Programme proposals. It is unlikely that the value of each individual project will be at such a level as to require full Council approval (ie additions to the capital programme of over £2m) however that will be kept under review and reports brought to Council if and when required.

Appendices

None.

Background Papers

Delivering Better Value Programme (May 2024)

	Name	Contact Information
Report Author	Ross Caws Head of SEND & Inclusion	rosscaws@warwickshire.gov.uk
Director	Johnny Kyriacou Director of Education	johnnykyriacou@warwickshire.gov.uk
Executive Director	Nigel Minns Executive Director for Children and Young People	nigelminns@warwickshire.gov.uk
Portfolio Holder	Cllr Kam Kaur Portfolio Holder for Education	kamkaur@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): N/A – This is a countywide report

Other members: Chair and Spokesperson of the Children and Young People
Overview and Scrutiny Committee