

CABINET

22 May 2018

SEND CAPITAL PROGRAMME

Report of the Director for People

Strategic Aim:	Creating a brighter future for all.	
Key Decision: Yes	Forward Plan Reference: FP/151117	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr David Wilby Portfolio Holder for Lifelong Learning Mr R Foster Portfolio Holder for Children and Young People (Safeguarding)	
Contact Officer(s):	Dr Tim O Neill, Director For People and Deputy Chief Executive	01572 758402 toneill@rutland.gov.uk
	Bernadette Caffrey, Head of Early Intervention and SEND and Inclusion Services	01572 720943 bcaffrey@rutland.gov.uk
	Louise Crookenden-Johnson, SEND Capital Programme Manager	01572 758025 lcrookendenjohnson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approve the use of £200k of funding earmarked in RCC Cabinet in December 2016 combined with the £500k Department for Education (DfE) grant between 2018 and 2021 to increase education places to support children with SEND. This report identifies the cohorts of children with SEND who are the priority for this investment.
2. Approve progression to Phase 2 for the SEND Capital programme, and following completion of Phase 2 delegate authority to the Director for People to award the Grant, in consultation with the Portfolio Holder for Lifelong Learning.

1 INTRODUCTION AND PURPOSE OF THE REPORT

- 1.1 The SEND Capital Programme initiated in November 2017 provides Rutland with an opportunity to put in place additional local education places to improve outcomes for children and young people with SEND and assist them as they mature into independence. The first phase of this programme has been focussed on understanding the SEND population and determining how to focus the RCC resources earmarked for this programme.
- 1.2 The Board agreed to approach the project in two phases. This report provides an update on **Phase 1** and seeks approval to progress **Phase 2**.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The SEND Capital Programme is one element in a wider strategic approach in transforming SEND and Inclusion services in Rutland. A SEND Strategic Group with representation from schools, parents, education and health services and Councillors was established in May 2017. The group has a focused work plan to improve SEND systems, including earlier identification of need and supporting partners to implement children's inclusion in mainstream education and to shape sustainable services which provide better outcomes for children with SEND.
- 2.2 The overarching purpose of the programme is to identify provision that achieves the intended programme aims, stated in point 2.7. The likely destination of this Capital fund is identified in the risk grid (at point 2.20) this indicates where we expect the money to be spent, subject to feasibility studies focusing on a) business modelling for the provision and b) specialist assessment of site suitability.
- 2.3 In Phase 2, which is outlined in point 2.23, this next stage of business modelling and feasibility will progress.

Funding

- 2.4 In 2016 Cabinet approved £200k to be used to increase Special Educational Needs or Disabilities (SEND) provision. We will investigate how this funding has the potential to facilitate increased skills for the workforce subject.
- 2.5 In April 2017 as part of the 'Send Transformation Update', Cabinet was informed of £500k DfE Special Provision Capital Fund this funding is designed to put in place additional local education places to improve outcomes for children and young people with SEND with an Education Health and Care Plan (EHCP).
- 2.6 The Council's existing capital programme therefore includes £700k for SEND provision. This report identifies the cohorts of children with SEND who are the priority for this investment.
- 2.7 The SEND Capital programme is seeking the following intended outcomes:
- children living and educated in county, some with reduced travel costs.
 - children placed in lower cost, high quality placements.

Current SEND provision and population

- 2.8 The spending on SEND services and support in Rutland (funded mainly from the Dedicated Schools Grant - High Needs block) have grown by 16% in the past 3 years, rising from £3,061,000 in 2013/14 to £3,545,000 in 2016/17, and continues on an upward trajectory.
- 2.9 In **Phase 1** we have consolidated our understanding of the local SEND population, our current education provision, and worked with regional partners to complement each other's plans. Detailed, case by case, analysis has resulted in our knowing the individual educational needs and costs associated with different cohorts of children in Rutland. Rutland County Council has used valuable feedback from key stakeholders to inform our plans. (see Section 3 - Consultation)
- 2.10 As a result, our cohort intelligence shows that Autistic Spectrum Disorder (ASD) accounts for almost a quarter of all SEND children in Rutland (87 children 24%). This is the largest category of disability and significantly larger than the National figure as a proportion of Rutland's population.
- 2.11 Children with Communication and Interaction needs (C&I) which includes ASD, and those with Social Emotional and Mental Health (SEMH) difficulties have some of the highest cost education placements.
- 2.12 Rutland has an Early Years Special School at Oakham CE Primary School site and funds two Designated Special Provision sites; 20 places at Oakham CE Primary for children with Autism and other Mild Learning Disabilities and 25 Secondary places at Catmose College for children specifically with Mild Learning Difficulties. The council is working with these schools as part of a larger programme of work to ensure the use of these places is planned for and maximised.
- 2.13 Rutland has no mainstream, school based, Secondary Resourced Provision for the cohorts of young people with SEND identified in point 2.10, that is those with C&I and SEMH; which is why these children, who are unable to have their needs met in mainstream secondary classes, are placed in Independent or Out of County Special Schools.

Proposal for SEND Capital Project

- 2.14 The nature of the size of population of SEND children in Rutland means that predicting future requirements is not an exact science. However, as a result of work conducted in **Phase 1**, the SEND Capital Programme Board anticipates that there will be a demand for an Enhanced Resourced Provision (or Resource Base - more information is available in Appendix B) to provide education for children alongside their peers on a Mainstream school site. This type of provision allows for children to grow in independence but with specialist support.
- 2.15 The Resource base would primarily support children with Communication and Interaction needs (including Autism) with Education Health and Care plans (EHCPs). The provision would provide 10-15 additional places for children who may expect to be in mainstream lessons for some of their time and taught in the quieter, less visually and aurally stimulating base for some of their day. For children with Autism their needs may mean they lack awareness or interest in other children, find it difficult to understand other people's emotions or have

difficulty starting conversations or taking them in properly. They may like to stick to the same routines and changes can trigger outbursts.

- 2.16 An individual case review of all children on the Inclusion database identified 17 young people, currently in Primary phase that could be suitable for a Resourced Base of this nature at secondary phase, with a further 10 children whose educational needs will to be determined as they mature (see Appendix A- section 14.21 for detail). Further, more detailed business modelling in **Phase 2** of the Programme, will show how the maximum number of Rutland children could benefit from the provision as it is established.
- 2.17 This provision will build capacity for further inclusion within our mainstream schools, and contribute to a sustainable local model creating a more connected pathway to Secondary level education for children with Communication and Interaction needs. Our aspiration is that it would become a Centre of Excellence, extending good educational knowledge, experience and practice for staff across the field of education in Rutland.
- 2.18 Initial reports from RCC Property services, benchmarked against industry standards, indicate that the Capital funds should be sufficient to refurbish an existing building or area of sufficient size and provide a suitably resourced environment and resources for children with Communication and Interaction needs. There may not to be sufficient Capital to develop a new building as well as provide the specialist resources and provide the right kind of environment for children with Autism. More information about the type of environment that could support children in this identified cohort to achieve and develop independence, can be found in Appendix B.
- 2.19 The predicted requirement for in-county places to meet this group of children's needs has resulted in a series of discussions with the three Rutland Secondary School Head teachers about possible place expansion and whether they have scope to provide a Resource base for children with Communication and Interaction needs.
- 2.20 The table below, gives an initial evaluation of each Secondary site's potential for suitability;

Rutland Secondary School Sites	Potential	Space for refurbishment on site, rated according to likelihood April 2018 (Green=most likely, Red=least likely)
Casterton Community College		No refurbishment site is available. New build site is available but Capital funds are unlikely to be sufficient to build and resource a facility. Further specialist estates report would be required if this were to be pursued.
Catmose College Rutland		No refurbishment site identified. The school already provide a Special provision to support children with Mild Learning Difficulties not compatible for children with Autism.
Uppingham Community College		A building of sufficient size is available for refurbishment at the site. An initial desktop review of this site is favourable however a specialist estates report is required in Phase 2 to determine suitability and costs associated.

- 2.21 Uppingham Community College is therefore the favoured option, given the initial site suitability.

2.22 The school is exploring providing a Resource base 10-15 place provision for children with Communication and Interaction needs, including Autistic Spectrum Disorder, for Key stages 3 and 4. Business modelling will be undertaken by the school in Phase 2 of the programme. The Principal is a member of the SEND Strategic group and with the other Secondary Leaders is very keen to support this process.

Next steps

- 2.23 **Phase 2** will;
- Determine the site to progress (feasibility will determine any issues, such as asbestos)
 - Complete the feasibility study on the preferred site and if then deemed necessary feasibilities on other sites, this will be conducted by an estates specialist who can report on the status of the building, refurbishment costs and the likelihood for successful delivery.
 - Complete terms and conditions of the capital grant to meet the strategic intentions of the SEND Capital Programme Board and in line with the Rutland SEND Strategic Plan.
 - Secure intentions to progress from Secondary schools and the preferred school will refine the operating requirements and conditions as part of business modelling.
 - Draft legal agreements with covenant conditions to protect the funding awarded.
 - Develop a business and financial model to create a sustainable provision, including determining the staff training and recruitment that will be required.
- 2.24 The Board would wish to note some of the risks that might emerge in **Phase 2** of the programme;
- a provider is unable to progress the project as a result of, for example, adverse feasibility investigations due to cost or environmental issues.
 - challenge from an alternative provider, however, this is seen as low risk.

3 CONSULTATION

- 3.1 RCC has undertaken extensive and detailed consultation with a range of key stakeholders and this engagement has been used to shape and challenge thinking as plans have been developed. This has not only been crucial in identifying the priorities for the programme but is a requirement of the Department for Education funding.
- 3.1.1 The Rutland SEND Strategic Group reviews and scrutinises proposals at each bi-monthly meeting. Parents and carers have been consulted through Rutland Parent Carer Forums. Young people have given their views on what makes for good learning provision through the Rutland Disabled Youth Council and this is informing strategy and plans. Secondary Head teachers and Primary Head representatives have also been part of individual feedback.

4 ALTERNATIVE OPTIONS

While undertaking **Phase 1** we have taken time to consider the best fit for the Capital against the presenting needs. There are identified gaps in provision for children with Communication and Interaction needs, including Autism. A range of alternative options have been considered that would sit with the requirements of the DfE Special Provision capital funding, but many of the options do not meet the needs of the highest priority group of children.

- 4.1.1 One proposal, offered by Casterton College Rutland, is to develop Key Stage 3 provision on site to integrate children with High Functioning Asperger's into full time education with their peers. If this option were to be pursued we would need to determine how effective education and pastoral care could be provided for those children who reach Key Stage 4 and who then are not able to be integrated at Casterton, so they have appropriate routes to Further Education College or Special Schools. This would mean a further transition to different provision in Year 10 for some children.

Casterton College Rutland has land on site of sufficient size but would need a new building and pathway which is unlikely to be possible within the budget available. This concept could, however, be examined at a future date.

- 4.1.2 Consideration has also been given to identifying an alternative cohort such as Primary age children, for example, to provide a 'Nurture' provision. This could be to provide additional places in a physical space in a mainstream Primary school for children showing signs of emotional stress and behavioural difficulties. Children would have a flexible timetable and enhanced emotional curriculum designed for those at risk of exclusion at Primary Phase. Any provision would need strong connections to Secondary Schools to support effective transitions.

There would need to be careful consideration of which children would benefit, as there is a risk that this provision would simply create additional places at Primary phase and create a bulge in numbers of children with EHCPs who need more nurturing environments at Secondary phase and may therefore find transition to a more independent Secondary learning environment difficult.

- 4.1.3 A range of other options were explored such as 'stand-alone' Secondary education provision at Oakham Enterprise Park or through an Independent provider, or types of provision for Secondary School aged children with behaviour that challenges. These are not considered viable either because of the finite resources available, insufficient space, the potential for legal challenge, or because it is not permissible to use capital funding as revenue funding to support interventions under the grant agreement.
- 4.1.4 If we are unable to develop provision for Secondary education, Rutland County Council could choose to return the DfE Special Provision grant funding and not establish any additional places, however this would not allow us to provide a local planned pathway to Secondary school for children with Communication and Interaction needs.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no immediate financial implications, RCC has received an award notice for the first year of the DfE grant.

- 5.2 In total, the £700k Capital funding from RCC and DfE provides the budget to implement the Capital project.
- 5.3 The current difference between the average education placement costs for a child with Communication and Interaction needs in full time mainstream education is £11,709 compared to an average of £47,099 for those in Independent provision.
- 5.4 This project has the potential to reduce the cost for those children who are currently being placed in Independent of Special schools where they could have a local education alongside their peers in mainstream with support of a resourced base. Further work will be required in **Phase 2** to model any cost avoidance including cost implications relating to the distance young people travel to school in order to attend out of county education placements.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Local Authority and its partners has a number of key statutory obligations to children and young people with disabilities and special educational needs, which includes, identification in the early years, the delivery of early help and targeted support and the provision of specialist provision.
- 6.1.1 The SEND Code of Practice (2015) requires Local Authorities and partners to engage, consult and co-produce with children and young people and their families in relation to their support plans and provision more broadly across the local area
- 6.1.2 Local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEND. Plans for the SEND Capital programme must be published and updated on this site to qualify to the DfE grant.
- 6.1.3 The SEND service is subject to Ofsted and CQC inspections, accountability and scrutiny within the Directorate's Quality Assurance and Performance Framework and to the Health and Well Being Board via the Children's Trust governance arrangements. The service established a multiagency SEND Strategic Group to drive the implementation of the Transformation Plan across the Partnership and to comply with the Government's requirement to consult and engage stakeholders on the capital project.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment is not required at this stage, however it will require completion as part of the stakeholder consultation in Phase 2 of the programme.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 There are no community safety implications

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Environmental implications – the opportunity to enhance existing physical spaces through the capital grant. Provision developed will need to meet SEND regulatory guidelines.

10 ORGANISATIONAL IMPLICATIONS

- 10.1 Human Resource implications – the additional operational and project capacity as the current SEND Capital Programme Manager is fixed term until November 2018. Also, in the longer term the future sustainability of personnel to deliver the SEND transformation in schools and other education provision.
- 10.2 Procurement Implications-None, the award of provider for the education provision will be through a Grant funding process and associated Covenant setting out what must be provided.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 RCC has a duty to provide sufficient suitable education places to enable children and young people to maintain their education in their community and to achieve their education outcomes and progress towards independence. The SEND Capital Programme in consultation with children, families and key partners anticipates that there is a need for local resourced provision places for children and young people aged 11-16 with SEND, to enhance and increase the SEND provision in particular to meet the needs of those with Communication and Interaction needs (including Autism) with Education Health and Care plans (EHCPs)
- 11.2 Approve the use of £200k of funding earmarked in RCC Cabinet in December 2016 combined with the £500k Department for Education (DfE) grant between 2018 and 2021 to increase education places to support children with SEND. This report identifies the cohorts of children with SEND who are the priority for this investment. The feasibility of site and business model will be explored with Uppingham Community College, in the possible refurbishment of the Nursery building to create an Enhanced Resourced provision for 10-15 children with Communication and Interaction needs.
- 11.3 Approve progression to Phase 2 for the SEND Capital programme, and following completion of Phase 2, delegate authority to the Director for People to award the Grant, in consultation with the Portfolio Holder for Lifelong Learning.

12 BACKGROUND PAPERS

- 12.1 SEND Transformation Update- April 2017, Cabinet Report No: 80/2017
- 12.2 Allocation for Funding of School Places-December 2016 Cabinet Report: 219/2016

13 APPENDICES

- 13.1 Appendix A-RCC SEND population analysis
- 13.2 Appendix B- Resourced Support bases
- 13.3 Appendix C- SEND Context and further background information

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.