

## CABINET

21 December 2021

### SEND CAPITAL - DELEGATE FUNDING AND APPOINT A LEAD PARTNER

#### Report of the Portfolio Holder for Education and Children's Services

Strategic Aim:	Protecting the vulnerable.	
Key Decision: Yes	Forward Plan Reference: FP011021	
Cabinet Member(s) Responsible:	Councillor David Wilby, Portfolio Holder for Education and Children's Services	
Contact Officer(s):	Dawn Godfrey Strategic Director Children and Families	01572 758358 dgodfrey@rutland.gov.uk
	Bernadette Caffrey, Head of Early Intervention, 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 and RECOMMENDATIONS

That Cabinet:

1. Approves allocation of £821,500 from Department for Education Capital Grant funding provided to Rutland County Council, to resource Capital programmes and develop additional mainstream school facilities locally for children with Special Needs and Disabilities, and delegates authority to the Strategic Director for Children and Families and the Strategic Director for Resources to decide how the maximum allocation will be applied.
2. Delegates authority to the Strategic Director for Children and Families in consultation with the Deputy Director for Corporate Governance and the Portfolio Holder for Education and Children's Services, to enter into all necessary agreements to progress the programme.
3. Agrees that RCC should appoint a lead partner, which is Uppingham Community College, to work collaboratively with RCC to increase mainstream places for children with Education Health and Care plans across Rutland.

## 1 PURPOSE OF THE REPORT

- 1.1 Rutland's vision is to support all children and young people with Special Educational Needs and or Disabilities (SEND) to lead healthy, independent, and safe lives, to be a County that

promotes inclusion, to maximise their opportunities to be independent and focuses on their abilities not their disabilities and wherever possible, have their needs met locally. (Rutland SEND and Inclusion Strategy 2019).

## **2 CONTEXT**

- 2.1 In March 2020, the DfE announced High Needs Provision Capital Allocations (HNPCA) for local authorities. The HNCPA funding, like the Special Provision Funding (SPF) funding provided for programmes from 2018, is designed to develop or improve facilities or purchase specialist equipment at good or outstanding provision for children with an Education Health and Care Plan (EHCP).
- 2.2 The allocation of £500k Capital is in addition to the remaining £321,500 from the SPF capital programme giving a total of £821,500 to support Rutland County Council's updated priorities and objectives. There is no associated revenue allocation.

### Recent SEND Capital Projects

- 2.3 The SPF enabled the development of specialist mainstream places at Uppingham Community College to support children with Communication and Interaction needs, resulting in an additional 2 places each year (10 in total) over the mainstream Pupil Admission number (PAN). The Enhanced Resourced Provision (ERP) building, and refurbishment programme was completed in May 2019.
- 2.4 Project Management methodologies were adopted to steer the £700k project, which was completed on time and in budget. The requirements of the programme were satisfied with an independent audit in 2019 of the Uppingham Community College (UCC) SPF, capital project which provided assurance and evidenced full programme compliance.
- 2.5 There was also a small (£26k) refurbishment project at Edith Weston Primary school utilising Capital budget. Works were completed in March 2021 to enable Nurture interventions to be provided and evidence-based Nurture practice is now being propagated across the Primary school sector in Rutland and in Early Years settings.

## **3 CAPITAL PROJECTS TO ASSIST RUTLAND'S INCLUSIONARY PRACTICE**

- 3.1 Key to the success of Rutland's key policies; Education Framework, the Fair Access Protocol and the SEND Inclusion Strategy, is the ability of RCC to secure the required range of places for children with Education Health and Care plans (EHCPs) within Rutland itself, or through placing children in close geographical locations where provision is available, so that more children are educated closer to home, have the resilience of peer networks and better preparation for adulthood.
- 3.2 Local education placements offer better value for money and the benefit of greater focus on school autonomy and sector-driven improvement. They help grow the confidence and skills of school leaders and staff and the quality of inclusionary practice and support to families. They enable local practice to respond to what children and families tell us is important about schools and services, in supporting good family life.
- 3.3 The HNPCA grant allocation is therefore aligned with the intentions of the SEND Recovery Plan which include a range of projects designed to reduce the overspend on SEND placements and bring the DSG High Needs Budget pressures back in line with the resources available over time.<sup>1</sup>

---

<sup>1</sup> HIGH NEEDS BUDGET DEFICIT - SEND RECOVERY PLAN

## **4 DATA UNDERPINNING PLANNED PLACES FOR RUTLAND**

- 4.1 In February 2021, analysis indicated that the number of children with Education Health and Care plans requiring secondary school places in coming years, were significantly larger cohorts than had been supported in prior years. The presenting risk with larger groups of children with SEND, being that they may not transition positively into their secondary school place and could escalate unnecessarily into more specialist (higher cost) provision.
- 4.2 There is very limited availability or flex in the specialist and specialist mainstream places available, and out of county placements are increasingly limited. The alternative to these places is independent placement for SEND needs, which may not be in the interest of children and are extremely costly. This puts additional cost pressures on the already overspent High Needs Budget, part of the Designated Schools Grant, as well as removing resources from Rutland area schools' systems. As explained above education and life outcomes for children are improved if they can live and be educated with peers in their community. The population data predicts that demand for local places will outstrip what is available but more pressing is a subset of children with EHCPs due to enter secondary school in Year 7 in 2022.
- 4.3 It was agreed by the SEND Programme Board in March 2021 that in addition to provision at Uppingham Community College, the Board would also explore development of other provision and approaches to support children, including for those with SEMH needs or emerging SEMH needs and Cognition and Learning needs with an EHCP.
- 4.4 Following discussion about the secondary school pressures at Schools Forum, direct approaches were made to each of the secondary schools. The DCS and Head of Service met with Head teachers and SEND leaders outlining the needs of the children to be met. Following this, each school was invited to submit an Expression of Interest, examined by key RCC officers, Rutland Parent Carer Voice representatives and experienced professionals from another out of county school. It was determined that the High Needs Provision Capital Allocations (HNPCA) and remaining capital funds will help enable any facilities modification required to provide additional mainstream facilities to support children to remain in education locally.
- 4.5 UCC were identified as the preferred partner to work with RCC to create facilities to maintain children in mainstream provision at Secondary phase.

## **5 PROJECT TIMELINE**

- 5.1 A feasibility options report was commissioned by RCC Property Services on behalf of the SEND Programme Board in early November 2021 using the SCAPE framework, this is due to report in early January 2022.
- 5.2 The feasibility options report is designed to help evaluate how best to utilise the Capital funding available (c£750k) and identify interim possibilities to create facilities by September 2022 and longer-term options for educational arrangements for the numbers of students anticipated in coming years.
- 5.3 The planned work uses RCC Programme methodology to manage actions, timescales and risks and issues. A lessons learned log has been updated throughout the previous capital

---

Schools Forum support £357k of additional annual investment from the High Needs Block to implement a range of projects aimed at increasing capacity within mainstream schools to support children and young people with SEND remaining in mainstream education and to flourish in the classroom. A more detailed update on the SEND Recovery Plan projects will be provided to Cabinet in January 2022

programme, in the initiation phase of this programme and pertinent learning has been incorporated into the planning for the upcoming project. These included the appointment of a single point of contact Project Manager for the provider (UCC), and a clearer change log to manage the parameters for requested changes once the project has been set in train.

- 5.4 A UCC Project Board Terms of Reference and Project Brief have been put in place and monthly Project Board meetings began in November 2021. The Project Board Senior Responsible Officer is Ben Solly, the Academy Principal, and the Board includes the Chair of the Academy Trust Governing Body, and includes senior officers from RCC Finance, Property Service and SEND and Inclusion Services as well as a SEND Consultant with expertise in developing provision.
- 5.5 The UCC Project Board reports to the SEND Programme Board, the Senior Responsible Officer is Dawn Godfrey, Strategic Director for Children and Families. The SEND Programme Board acts as the Executive Board, reporting to Cabinet. Schools Forum also receive update reports.
- 5.6 The facilities developed will need to meet the needs of the children accessing places. School places for 2022 are already being identified for children. This is the way that new places are being described to children and families to help their decision making;

*This is not a specialist provision in the same way as a Designated Special Provision or an Enhanced Resourced provision. The intention is that children with an EHCP and who may have Cognition and Learning, and Social, Emotional or Mental Health needs access a primarily mainstream experience, covering the national curriculum subjects. They will travel through KS3, and KS4 where needed, as a smaller group with access to all the mainstream facilities at UCC. They will experience bespoke smaller physical environments, greater structure around learning and a high level of pastoral care will be incorporated into the timetable for young people accessing 'mainstream plus' support.*

- 5.7 An agreed operating model will be developed to support mainstream education and meet SEND needs for an identified group of children and through outreach, promote effective inclusionary practice. Operational planning for the places will be undertaken collaboratively and an agreement put in place between UCC and RCC. Admission arrangements need to be determined. Specific SEND expert resource has been commissioned on behalf of RCC as a 'critical friend' and leadership expert to help develop and shape the operating arrangements for the places and outreach, envisaged and bring about a mutually agreed specification.
- 5.8 This will increase the pupil admission numbers (PAN) by 10 places per year at UCC and require a Significant Change business rationale to be submitted and the change agreed by the Regional Schools Commissioner and Panel. This is anticipated to be low risk.
- 5.9 Once a suitable operating model is agreed, and feasibility options identify the best use of the budget to meet the model requirements, then a legal agreement will be mutually agreed between UCC and RCC, to allow UCC to undertake planning and procurement and take forward the building programme. At this stage, likely to be April 2022, Cabinet will receive a detailed update report. This replicates the successful model that RCC and UCC put in place for the Enhanced Resource Provision capital programme.

## **6. RISKS AND MITIGATIONS**

- 6.1 The feasibility options report commissioned in early November and due to report in early January 2022 identifies that there is insufficient budget or time to deliver the interim or overarching capital works.

Mitigation - work with UCC regarding the delivery model and explore alternative funding

methods. Discussion with Schools Forum.

- 6.2 Delays or shortage of professional services, contractors or supplies impact confidence in the building programme and create delays in the building timeline.

Mitigation - appointing experienced professional services to steer these stages of delivery and bring to bear industry experience and connectivity.

- 6.3 RCC Community and UCC parent concerns about planned new places

Mitigation – regular communication and clear collaborative messaging through Rutland Parent Carer Voice and through School networks

- 6.4 A detailed Risks, Actions, and Decisions (RAID) Log is held at Project and Programme level to identify and manage Risks and Issues throughout the programme.

## **7. ALTERNATIVE OPTIONS**

- 7.1 RCC has a duty to provide sufficient SEND education provision and places. All the alternative options cost more, require children to travel further afield (with associated costs to RCC) and impact their ability to form and benefit from being educated with community peers.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 A Department for Education (DfE) ring fenced grant provides High Needs Provision Capital funding for 2021/2022 which is designed to develop or improve facilities or purchase specialist equipment at good or outstanding provision for children with an Education Health and Care Plan in consultation with parents and carers and to meet local SEND needs. Added to the remaining Special Provision Capital Funding provided as a grant previously this means there is a Capital fund of £821,500 for RCC to draw upon to fully fund new facilities.

- 8.2 No revenue costs have been provided by DfE to accompany this capital grant, when selecting a suitable lead partner, the expression of interest form highlighted the request for capacity to be available from schools to support development and start up of the new facilities and operational planning to meet children's needs.

## **9. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 Legal agreements with covenant conditions to protect the funding awarded will be drawn up. These will cover delivering the agreed plan for the building development, maintaining funding allocation to separate elements of the scheme, as well as ensuring the facilities continue to be used for its defined purpose.

## **10. DATA PROTECTION IMPLICATIONS**

- 10.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks or issues to the rights and freedoms of natural persons.

## **11. EQUALITY IMPACT ASSESSMENT**

- 11.1 A full Equality Impact Assessment is not required. The Local Authority has a duty under the Children Act and the SEND Code of Practice to meet the needs of children with additional need or deemed to be children in need.

## **12. COMMUNITY SAFETY IMPLICATIONS**

- 12.1 There are no community safety implications.

- 12.2 The LA has a statutory obligation to safeguard vulnerable children at home and in the community, some children with SEND may be supported as Children in Need under Section 17 of the Children Act 1989

### **13. HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 Children who attend UCC have full benefits of a whole school environment, peer and community connections and relationships. These are evidenced to improve long term resilience, aspiration, and wellbeing.
- 13.2 The plans for facilities will be subject to consultation as part of the planning process and will set out how the most accessible central areas of Uppingham Community College will be repurposed to provide appropriate mainstream focused learning environments.

### **14. ORGANISATIONAL IMPLICATIONS**

- 14.1 RCC capacity directly attributable to a Capital building programme, in line with Finance regulations for use of Capital funding, may be appropriately resourced from the HNCPA. The SEND Programme Board has discussed and agreed a budget allocation for this work of £48k. This budget would contribute to Property, Legal and Project Management costs associated with the building programme.

### **15. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 Cabinet approves allocation of £821,500 from the Department for Education Capital Grant funding provided to Rutland County Council, to resource Capital programmes and develop additional mainstream school facilities locally for children with Special Needs and Disabilities.
- 15.2 Delegates authority to the Strategic Director for Children and Families and the Strategic Director for Resources to decide how the maximum allocation will be applied.
- 15.3 Delegates authority to the Strategic Director for Children and families in consultation with the Deputy Director for Corporate Governance and the Portfolio Holder for Education and Children's Services to enter into all necessary agreements to progress the programme.
- 15.4 Agrees that RCC should appoint a lead partner - Uppingham Community College, to work collaboratively with RCC to increase mainstream places for children with Education Health and Care plans across Rutland.
- 15.5 Agrees to receive update reports at key points in time related to operational planning for the education provision at UCC and the subsequent building timeline and progress.

### **16. BACKGROUND PAPERS**

- 16.1 There are no background papers

### **17. APPENDICES**

- 17.1 There are no appendices

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