

CABINET

14 February 2023

SEND CAPITAL FUNDING

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

Strategic Aim:	Sustainable Lives	
Key Decision: Yes	Forward Plan Reference: FP/090122	
Cabinet Member(s) Responsible:	Councillor David Wilby, Portfolio Holder Education and Children's Services	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet recommends to Council:

1. To approve allocation of £1,000,390 from Department for Education Capital Grant funding provided to Rutland County Council to resource Capital programmes and develop additional school facilities locally for children with Special Needs and Disabilities.
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.
3. Delegates authority to the Strategic Director for Children and Families in consultation with the Director of Legal & Governance, Monitoring Officer and the Portfolio Holder for Education and Children's Services, to enter into all necessary agreements to progress the programme.
4. Notes that the Capital Grant has conditions and that RCC will have to sign an assurance statement confirming RCC has used the Capital Grant for its intended purpose. Accordingly, any capital programmes will not create any ongoing revenue pressure from use of the Capital Grant and that the programme only support schemes that either reduce or avoid costs.
5. Notes the tight grant timelines, the Delivering Better Value Review context and the imperative for agile project working.
6. Notes the anticipated projects will likely increase sufficiency of SEND places in Early Years and Primary phase mainstream education and Secondary Phase Alternative provision.

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 2021).
- 1.2 Key to the success of Rutland's SEND and Inclusion Strategy and SEND Recovery Plan, 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.
- 1.3 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.
- 1.4 The DfE grant allocations are 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 (HNB), pressures back in line with the resources available over time. ¹

2 SPECIAL EDUCATIONAL NEEDS AND DISABILITIES CONTEXT IN RUTLAND

- 2.1 Special Needs Education is funded by the Dedicated Schools Grant, the High Needs Block Expenditure has increased by 34% from £3.8 million in 2018/2019 to £5.1million in 2021/2022. A deficit of £1.06 million is currently being reported on the High Needs Block. The Council's SEND Recovery Plan funded from the High Needs Block is having a positive impact, but demand is outstripping the savings we generate from the actions in the recovery plan.
- 2.2 The number of EHCNAs requests has increased year on year. In January 2023 there are 318 Education Health and Care Plans, an increase in volume of 22 Plans since March 2022.
- 2.3 The most common primary need for children with an EHCP resident in Rutland is Autistic Spectrum Disorder, (33%) followed by Moderate Learning Difficulties (20%) and Social, Emotional and Mental Health (20%).
- 2.4 Rutland is taking part in the Department for Education Delivering Better Value Programme with Phase 1 of this Programme starting in February 2023. Phase 1 will take an analytical approach, to examine efficacy of current projects designed to bring the HNB into balance and identify other additional actions to consider. At the end of Phase 1 there will be the opportunity to apply for £1million grant funding to underpin an implementation plan to deliver sustainable change.

¹ **HIGH NEEDS BUDGET DEFICIT - SEND RECOVERY PLAN**

Schools Forum support £364k of additional annual investment from the High Needs Block to implement a range of projects aimed at increasing capacity in mainstream schools to support children and young people with SEND remaining in mainstream education and to flourish in education.

3 HIGH NEEDS CAPITAL GRANT PROJECTS

- 3.1 In March 2020, the DfE announced High Needs Provision Capital Allocations (HNPCA) for local authorities. The HNPCA funding, 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).
- 3.2 Cabinet delegated previous funding and has received regular updates on plans -see most recent SEND Cabinet Programme reports; Report No: 71/2019, Report No. 07/2022
- 3.3 Prior funding has enabled the following Capital developments:
- Uppingham Community College Enhanced Resourced Secondary Provision for 10-15 children with Communication and Interaction Needs
 - Uppingham Community College Mainstream-plus developments -, reorganising facilities to better meet the teaching needs of 50 children, over a 5-year period, with Education Health and Care plans in mainstream secondary education.
 - Nurture interventions in support of Rutland's Primary schools as well as facilities at Edith Weston with enhanced providing support to 4-6 children at any time and their families with attachment or trauma.
- 3.4 Project Management methodologies have steered the projects which has provided assurance and evidenced full Programme compliance. Each Capital project has been completed on time and in budget.
- 3.5 Rutland has a remaining DfE HNCPA allocation of £1,000,390 Capital which needs to be committed by March 2024, and as has previously been the case, no revenue budget has been provided to underpin the startup costs of projects.

4 TIMELINE FOR DELIVERING FUTURE CAPITAL PROJECTS

- 4.1 RCC will employ proportionate processes including 'Expressions of Interest' with schools to determine motivation and viability, to reorganise education facilities to take advantage of Capital funding and meet SEND sufficiency requirements.
- 4.2 Once preferred partners are identified Feasibility options reports will be commissioned by RCC Property Services on behalf of the SEND Programme Board to evaluate options and support decision making.
- 4.3 All planned work will use RCC Programme methodology to manage actions, timescales, risks, and issues. A lessons learned log has been updated throughout the previous capital programmes and pertinent learning has been incorporated into the planning for upcoming projects.
- 4.4 All Project Boards report 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.
- 4.5 All facilities developed will meet the needs of the children accessing places and be

in line with Rutland's SEND and Inclusion Strategy.

- 4.6 Formal agreements with providers will set out each operating model and a quality and performance review cycle to provide assurance and to iron out any operational issues.
- 4.7 The types of projects under consideration for capital investment are:
- Primary Designated Special Provision (DSP places) for 1 year bulge 2023-24. Following years may not be required.
 - An opportunity to develop Alternative Provision for Rutland students some of whom will not have an Education Health and Care plan but are at risk of being excluded from receiving their educational entitlement. This would provide short term interventions expected to be between 3 months and 2 years, offering a more sustainable alternative to provisions usually commissioned by Rutland.
 - Early Years and Primary Mainstream small group facilities that may be utilised as Family Hub facilities as well. Building on the learning from the Secondary mainstream-plus small group arrangements (at UCC) developing Mainstream plus places 2024 onwards.

5 RISKS AND MITIGATIONS

- 5.1 Feasibility options reports will determine how many projects can be developed, there may be insufficient budget or time to deliver all capital works, there is a small risk that committed expenditure may be clawed back by DfE, if not spent.
- Mitigation – manage position, including grant agreements and commitment of funds to minimise risk.
- 5.2 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.
- 5.3 RCC Community and parent concerns
- Mitigation – regular communication and clear collaborative messaging through Rutland Parent Carer Voice, Parental collaboration and engagement sessions and through School networks.
- 5.4 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.

6 ALTERNATIVE OPTIONS

- 6.1 RCC has a duty to provide sufficient education places for children with Special Educational Needs and Disabilities. 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.

7 FINANCIAL IMPLICATIONS

- 7.1 A Department for Education (DfE) grant provides High Needs Provision Capital funding for 2022/24 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 £1,00,390 for RCC to draw upon to fully fund improved facilities.
- 7.2 The Capital Grant has conditions and RCC will have to sign an assurance statement confirming RCC has used the Capital Grant for its intended purpose - . to develop or improve facilities or purchase specialist equipment or provision for children with SEND. Accordingly, any capital programmes agreed with education providers will need their assurance that it will not create any ongoing revenue pressure for the Local Authority. Additionally any agreements with education providers will have a clear intention and outcome that the use of the Capital Grant programme will be to support schemes that either reduce or avoid costs on the HNF and the SEND system.
- 7.3 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. It is possible that the Delivering Better Value Review process may identify start-up costs for 'invest to save' projects in SEND as a possible area for grant investment and Section 106 funding may also be considered where relevant to assist in this area.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 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.

9 DATA PROTECTION IMPLICATIONS

- 9.1 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.

10 EQUALITY IMPACT ASSESSMENT

- 10.1 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.
- 10.2 An Equality Impact Assessment has not been completed because there are no service, policy or organisational changes being proposed.

11 COMMUNITY SAFETY IMPLICATIONS

- 11.1 There are no community safety implications.
- 11.2 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

12 HEALTH AND WELLBEING IMPLICATIONS (MANDATORY)

- 12.1 Children who attend education settings have full benefits of their learning environment, peer and community connections and relationships. These are evidenced to improve long term resilience, aspiration, and wellbeing.
- 12.2 All plans for facilities will be subject to consultation as part of the planning process and DfE schedules and will set out how they will provide appropriate mainstream focused learning environments.

13 ORGANISATIONAL IMPLICATIONS

- 13.1 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 may be uplifted in 2023/24. This budget will contribute to Property, Legal and Project Management costs directly attributable to the Capital building programme.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 14.1 Recommends Council to approve allocation of £1,000,390 from Department for Education Capital Grant funding provided to Rutland County Council to resource Capital programmes and develop additional school facilities locally for children with Special Needs and Disabilities.
- 14.2 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.
- 14.3 Delegates authority to the Strategic Director for Children and families in consultation with the Director of Legal & Governance, Monitoring Officer and the Portfolio Holder for Education and Children's Services to enter into all necessary agreements to progress the programme.
- 14.4 Notes that the Capital Grant has conditions and that RCC will have to sign an assurance statement confirming RCC has used the Capital Grant for its intended purpose. Accordingly, any capital programmes will not create any ongoing revenue pressure from use of the Capital Grant and that the programme only support schemes that either reduce or avoid costs.
- 14.5 Recognises that the tight timelines associated with the DfE Grant will require rapid decision making delegated to the SEND Programme Board.
- 14.6 Agrees to receive update reports at key points in time related to the subsequent capital building timelines and progress.

15 BACKGROUND PAPERS

- 15.1 There are no background papers.

16 APPENDICES

- 16.1 There are no appendices.

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