

Report to:	Cabinet	Date of Meeting:	23 May 2024
Subject:	High Needs Capital Programme 2023 - 2024		
Report of:	Interim Assistant Director of Children's Services- Education	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member – Children Schools and Families		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

The LA continues to receive an increased demand for specialist placements for children requiring specialist SEN support due to a rise in the amount of Education, health and care plans (EHCP's) that have been issued.

Although the LA has increased the number of in-house SEN places to support increased demand and reduce the number of children needing more expensive "Out of Borough" independent school placements there are currently not enough specialist places to meet this continued increase in SEN need.

The current 2023 and proposed 2024/2025 HN capital programmes seek to ensure existing schools and High Needs provision can support existing and new SEND pupils and create additional places at some of its current specialist provisions.

Recommendation(s):

- (1) To note the High Needs schemes already approved in the 2023/24 High Needs capital programme of works highlighted in Section 1 of Annex A.
- (2) To approve the new High Needs schemes with a total value of £0.700m identified in Section 4 of this report and highlighted in Section 2 of Annex A into the proposed 2024/25 High Needs Capital Programme following formal approval of the 2024/24 High Needs capital budget by Council.
- (3) To approve the new uncommitted High Needs schemes with a total value of £1.330m identified in Section 4 of this report and highlighted in Section 2 of Annex A into the proposed 2024/25 High Needs Capital Programme pending formal approval of the 2024/25 High Needs capital budget by Council.

Reasons for the Recommendation(s):

Having regard to the Children and Families Act 2014, Special Educational Needs and Disability Regulations 2014 and the SEN Code of Practice the LA is under a legal duty to secure the provision listed in Section I of the EHCP. The LA is unable to argue that a school is “full” and must show how it would impact on the other pupils currently in attendance.

The LA is responsible for providing the provisions in Section F of the EHCP.

Alternative Options Considered and Rejected: (including any Risk Implications)

The purchase of the additional external placements in Independent Schools would help support the increase in the number of students requiring places in specialist SEND settings. However, this option has been rejected due to the significant cost difference compared to in-house placements.

The consultation may lead to some changes. Any decisions that may affect changes to the proposals will be presented to the lead member.

What will it cost and how will it be financed?

(A) Revenue Costs

The placement and running costs of all additional High Needs places in Sefton schools will continue to be funded through the Dedicated Schools Grant - High Needs Block in 2024/25.

(B) Capital Costs

The proposed one-off capital costs for each project requiring approval are identified in Section 2 of Annex A of the report and, if approved, will be included in the proposed 2024/25 High Needs capital programme.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications: Children and Families Act 2014, Special Educational Needs and Disability Regulations 2014 and the SEN Code of Practice
Equality Implications: There is no equality implications
Impact on Children and Young People: Yes If 'Yes' please provide a short narrative here, or within the main body of the report, setting out the impact.

Climate Emergency Implications:

The recommendations within this report will

Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

Having sufficient and appropriate in-house SEN specialist placements within Sefton will reduce the need for more children having to be placed “out of Borough” in more expensive independent settings and reduce on the travel time for children going to and from school and so reduce Sefton’s carbon footprint.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: allows a Sefton wide focus on educational support for children with SEND.
Facilitate confident and resilient communities: Proposals allow greater localised control and focus on the SEND requirements of the borough of Sefton in the review and delivery of SEND Specialist Education Placements and Support Services.
Commission, broker and provide core services: Proposals strengthen the role of Strategic SEN Commissioning at a Sefton borough level and encourages greater collaboration with in-house SEND Settings for better outcomes for children.
Place – leadership and influencer: Proposals set out the road map for greater local control of SEN demand / provision by the Council.
Drivers of change and reform: Proposals allow for a Sefton wide focus on educational inequalities in provision for children with SEND.
Facilitate sustainable economic prosperity: Proposals allow for a broader financial focus on the borough of Sefton for education SEN support.
Greater income for social investment: Proposals allow for a broader financial focus on the borough of Sefton for education SEN support.
Cleaner Greener: The creation of more local in-house SEN provision should reduce SEND home to children’s transport journeys and so reduce carbon emissions.

What consultations have taken place on the proposals and when?**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services (FD 7646/24) and the Chief Legal and Democratic Officer (LD 5746/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Meetings with Schools, SEN sub-group of Schools Forum, Parents and Carers of SEN children

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Cabinet Member decision

Contact Officer:	Tracy McKeating/ Heather Glennie
Telephone Number:	Tel: 07837863075
Email Address:	

Appendices:

Annex A – overview of HN capital programme 2022 - 2023 and proposed HN capital programme 2024.

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

- 1.1 There is a priority to create additional in-house SEN Resource Places with a specific focus on further development of mainstream school special educational needs units for implementation or commencement during 2024/25. If the additional provision cannot be actioned there is risk that placements could breakdown and any new children coming into the SEND system will be without school placements. If this happens the LA will have to commission places in expensive out of borough placements leading to further overspend of the High Needs Budget.
- 1.2 As more LAs have had to use out of borough placements in recent years, independent schools are becoming full and if investment is not in place children will be without school places, having a detrimental impact on their start to their reception year or secondary education.

2. High Needs capital works undertaken to date – HN capital programme 2022 – 2023

- 2.1 In March 2022, the Government announced the first two years of High Needs Provision Capital Allocations (HNCPA), covering financial years 2022-23 and 2023-24, amounting to over £1.4bn of new investment in high needs provision. The HNCPA allocation for Sefton over the two financial years totalled £4.9m.
- 2.2 The Government expected that the funding would help deliver tens of thousands of new places, supporting learning in both mainstream and special provision. It could also be used to improve the suitability and accessibility of existing buildings and go towards new special and alternative provision free schools to help drive up standards in special education.
- 2.3 The Cabinet Member has previously agreed to the use of the announced £4.9m, 2-year, HNCPA funding provided by the Government to support ongoing SEN demand pressures.

- 2.4 The funding has been prioritised and used to make alterations to existing school accommodation and provide additional capacity in Sefton through the creation of new in-house Specialist SEN places at Sefton establishments as part of the 2022-2024 HN capital programme.
- 2.5 An overview of the approved High Needs schemes of works for 2022/23 and 2023/24 that are already part of the agreed HN capital programme are contained in Section 1 of Annex A to this report.
- 2.4 There is £0.05m of the 2023/24 HN capital funding allocation still available in the current financial year which will roll forward for use in 2024/25 along with any new High Needs capital funding.

3. High Needs capital funding 2024/25 and 2025/26

- 3.1 As of March 2024, the Government have announced the final tranche of funding from the £2.6bn: £844m for 2023-24 and 2024-25. The HNCPA funding allocation for Sefton over the next two financial years totals £4.7m
- 3.2 The funding is un-ringfenced (subject to certain conditions, as set out in the published Grant Determination Letter) and it is ultimately for local authorities to determine how to best use the funding to meet local priorities.
- 3.3 However, the Government recognise that the creation of additional places in state settings, whether in mainstream or special provision, will be an important factor in helping the system reduce overall cost pressures, including those associated with out-of-area placements and recent increases in the use of more expensive independent provision. To that end, the Government is providing this funding with the aim that it should primarily be used to meet the capital costs associated with providing new places and improving existing provision, for:
- Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other SEND pupils without an EHCP;
 - Children and young people who require AP (including children in AP settings without an EHCP).
- 3.4 The Government recognise that ensuring the sufficiency of high needs provision can also require local authorities to adapt, re-model or improve existing provision to make it appropriate or suitable for a different or wider set of pupil needs. Accordingly, HNCPA funding includes an element specifically intended to support local authorities to invest in suitability and/or accessibility projects where this may be appropriate.
- 3.5 The creation of new places versus remodelling or re-provision of existing places, will differ from local authority to local authority and will depend on local circumstances. Therefore, the Government is not setting out a central recommendation on how local authorities should apportion their funding between these objectives. It will be for local authorities to determine how to best prioritise their available funding to address their local priorities.

4. High Needs Capital Programme 2024/25 and 2025/26

- 4.1 Council, in February 2024, approved a provisional allocation of £0.700m for the High Needs Capital Programme 2024/25. Following confirmation of the final HNPCA, a supplementary estimate totalling the announced £4.7m HNCPA allocation will need to formally approve by Council to support the High Needs capital programme in 2024/25 and 2025/26.
- 4.2 However, there are several priority schemes that require pre-approval from the Cabinet, before 2024/25 High Needs allocation is approved by Council , as it is imperative that procurement, planning, and preparation works begin as soon as possible to ensure new places are open in the new academic year. No expenditure commitments will be entered into until formal budget approval is granted by Council.
- 4.3 The following schemes of works proposed include:
- Formby High School – additional £200,000 to support conversion of Caretakers building to create 40 new secondary age SEN Resource Places to be open on 1st September 2024
 - Bishop David Sheppard (Phase 2) additional building works £240,000 to create 2 SEN Resource Bases which will create an additional 16 SEN places from 1st September 2024
 - £20,000 to equip and furnish 2 SEN Resource Bases at Bishop David Sheppard
 - Marshside double modular classroom £370,000 to create 12 additional KS2 places from September 2024.
 - Presfield – refurbishment of classroom £60,000 to support increase of 4 to existing cohort.
 - £1,110,000 additional buildings work across three high schools to create SEN Units which will create an additional 36 places. This will be going through the full consultation process.
 - Jigsaw double modular classroom £370,000 to create 12 additional Primary places from September 2024.
 - £25,000 additional building works on the SEN Unit at Thomas Gray Primary School.
- 4.4 The full list of Schemes above requiring pre-approval by the Cabinet Member pending approval of the full £4.7m HNPCA allocation by Council are highlighted in Section 2 of Annex A to this report.
- 4.5 The list of schemes to be approved from the £0.700m capital estimate already approved by Council in February, and to be included in the capital programme for 2023/24 are as follows:
- Formby High School – additional £200,000 to support conversion of Caretakers building to create 40 new secondary age SEN Resource Places to be open on 1st September 2024

- Bishop David Sheppard (Phase 2) additional building works £240,000 to create 2 SEN Resource Bases which will create an additional 16 SEN places from 1st September 2024
- Presfield – refurbishment of classroom £60,000 to support increase of 4 to existing cohort.
- £25,000 additional building works on the SEN Unit at Thomas Gray Primary School.
- £20,000 to equip and furnish 2 SEN Resource Bases at Bishop David Sheppard

4.6 The new Schemes will increase in-house SEN capacity by 120 places in the new academic year from September 2024 although the majority of the 40 new places at Formby High School will initially be occupied by EHCP pupils currently on roll at the school.

4.7 The following table provides an overview of the cost mitigation savings from the above programme of works against having to place pupils in Out of Borough / Independent school places:

Setting	Places	Avg Cost Res Unit Placement £13,337	Avg Cost Special School Placement £23,273	Avg Cost Ind School Placement £54,059
Formby High	40	£ 533,480.00	£ 930,920.00	£ 2,162,360.00
Bishop David Sheppard	16	£ 213,392.00	£ 372,368.00	£ 864,944.00
Marshside Primary	12	£ 160,044.00	£ 279,276.00	£ 648,708.00
3 secondary school units	36	£ 480,132.00	£ 837,828.00	£ 1,946,124.00
Total	104	£ 906,916.00	£ 2,420,392.00	£ 5,622,136.00

Setting	Places	Avg Cost Res Unit Placement £13,337	Avg Cost Special School Placement £23,273	Avg Cost Ind School Placement £54,059
Presfield Special School	4		£ 93,092.00	£ 216,236.00
Jigsaw PRU/specialist provision	12	£ 160,044.00		£ 648,708.00
Total	16	£ 160,044.00	£ 93,092.00	£ 864,944.00