



## SCHOOLS FORUM

### SEND Strategy Development of New Provisions (High Needs Block Development Plan)

10 June 2019

Content Applicable to;		School Phase;	
Maintained Primary and Secondary Schools	x	Pre School	x
Academies	x	Foundation Stage	x
PVI Settings		Primary	x
Special Schools / Academies	x	Secondary	x
Local Authority	x	Post 16	x
		High Needs	x

#### Purpose of Report

Content Requires;		By;	
Noting	x	Maintained Primary School Members	
Decision		Maintained Secondary School Members	
		Maintained Special School Members	
		Academy Members	
		All Schools Forum	<b>x</b>

1. The purpose of this report is to provide an update on the development of new SEND provisions as part of the High Needs Block Development Plan.

#### Recommendations

2. That Schools Forum note
  - (a) Details of the new SEND units;
  - (b) The funding model for those units;

- (c) The outcome of the County Council bid to seek Department for Education funding to establish a 50 place free school for pupils with Social, Emotional and Mental Health needs;
- (d) The planned Interviews of academy proposers (sponsors) to operate the new Communication and Interaction school in Barwell, which is in keeping with the requirements placed upon the Council by section 6A (the Free School Presumption) of the Education and Inspections Act 2006, as introduced by the Education Act 2011.

### **Introduction**

3. The Council's proposal to invest £30m capital into new and expanded specialist provision represents one of three key strands of the High Needs Block Development strategy, the other two strands being;
  - a focus on effective systems and processes to support children with SEND (for example the Education, Health and Care (EHC) Plan process);
  - effective support services, aimed at enabling schools to support children with SEND to achieve within a mainstream school setting.

### **Background**

4. High Needs funding provides the funding for support packages for an individual with special educational needs (SEN) in a range of settings, whilst avoiding perverse incentives to over identify high needs pupils and students. It is also intended to support good quality alternative provision for pupils who cannot receive their education in schools. The High Needs funding system supports provision for pupils and students with SEN and disabilities (SEND), from their birth to 25 years.
5. The total projected increase in provision demand (excluding those expected to attend mainstream schools) over the five years 2018 to 2023 is expected to exceed 22%, an increase of 2,167 pupils having EHCP's to 2,652.
6. There is currently in Leicestershire a range of high quality provision for children with special educational needs and disabilities, this includes the core offer of support of support to children and additional support to children with SEND attending mainstream schools; 6 Special Schools, 14 Units and Resource bases located within mainstream schools, and 3 specialist Nurseries. There are a further 5 local Further Education (FE) Colleges and two Independent Specialist Colleges in the County providing support for post-16 SEND learners.
7. Whilst the above provision is of high quality and relatively well spread across the county, analysis of current and future demand shows that there are two key issues. Firstly the requirement to increase the provision for children with communication and interaction difficulties (primarily autism) and children with

social emotional and mental health issues to meet the current and projected demands. Secondly the need to ensure provision is of high quality and locally placed so as to meet the needs of children and young people with SEN. Furthermore this should make the most efficient use of available resources.

### **New Provision**

8. The list of new SEND provisions under development was agreed by the Cabinet on 29 March 2019 and encompasses the development of new units/resource bases in mainstream schools, the expansion of existing special schools, and the longer-term development of new schools (specifically to meet the increasing demand for pupils with Communication and Interaction needs, and those with Social, Emotional and Mental Health needs). The list of provision can be found in Appendix 1 to this report.
9. The process for the addition of SEND provision to local authority maintained schools, or the expansion of existing local authority special schools is defined by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and requires the publication of a Statutory Notice where certain criteria are triggered.
10. The Statutory Notice detailing the planned changes to each maintained school and maintained special school was published on 4 April 2019. Following publication there followed a 28-day representation period during which comments or objections could be raised; this closed on 2 May 2019.
11. There have been no objections received to the Statutory Notice during the representation period so, as agreed by the Cabinet in March, the Director of Children and Families Services will determine the Notice to allow the various SEND developments to proceed, particularly those planned to open in September 2019.
12. In contrast adding new SEND provision to academies is subject to the consent of the DfE (via the Regional Schools Commissioner) for 'significant change' where certain criteria are triggered. This process also requires the academy trust to undertake a short period of consultation before the submission of a business case to the DfE to set out its proposals for change, and its capacity, skills and resource/funding arrangements to successfully deliver this. Discussions have taken place with each academy seeking to develop new SEND provision to ensure the submission of a 'significant change' application. It is expected that the various consents will be given later during the summer term 2019 to allow any development works for the new SEND provisions to progress during the summer holidays for September or early autumn opening.
13. In parallel with the work to progress the development of the new SEND provisions the Director of Children and Family Services has conducted a formal consultation process in order to seek the views of parents, schools and others having an interest in provision for SEND pupils. The consultation has sought views on how the new provisions to be developed should look, feel and operate alongside mainstream and/or special schools to ensure a high

quality and inclusive education is provided to all pupils having SEND needs. The outcome of the consultation was very positive and a detailed report was submitted to Cabinet on 24<sup>th</sup> May 2019.

### **Funding Special Needs Units**

14. A funding protocol has been developed for the funding mechanism for all special educational needs units to open in September 2019 and September 2020. Further detail of the protocol is provided as Appendix 2 to this report.

### **SEN Free School bid – 50 Place SEMH School**

15. The LA submitted an SEN Free School Application to the DfE in October 2019 for a 50 place school for Social, Emotional, Mental Health needs. The ministerial announcement on 11<sup>th</sup> March 2019 confirmed that Leicestershire's application had been successful. This was the only bid approved out of 9 submissions from the East Midlands area.
16. The new school will be sited on the Iveshead campus, Shepshed and currently there is an invitation for Expressions of Interest on the LCC and DfE website. An engagement event to invite potential sponsors to consider applying to run the new school is planned for early July.

### **New Barwell Communication and Interaction Free School**

17. There has been a good response to the call for expressions of interest from suitable academy proposers (sponsors) to operate the new 80-place Communication and Interaction School, to be located in Barwell, and which is expected to open in September 2020.
18. The assessments will follow a three-stage process, comprising the initial written application, a presentation by the applicants and an interview by the Council ( Wednesday 5<sup>th</sup> June 2019) and finally a visit by the Council to an existing similar academy currently operated by the applicant. Each stage of the application process will be allocated a weighted score, and the total scores for each stage will be aggregated to determine an overall evaluation mark for each applicant.
19. The Director of Children and Family Services, following consultation with the Cabinet Lead Member for Children, Families and Safer Communities, will then submit a shortlist of recommenders to enable a decision to be taken by the Regional Schools Commissioner later in the summer on the preferred Trust to operate the new 80-place Communication and Interaction school. It is anticipated that the decision on the successful sponsor will be received late September 2019.

## **Resource Implications**

20. Schools will need to employ additional staff this is supported by the funding model attached to this report as Appendix 2.

## **Equal Opportunity Issues**

21. The purpose of the HNB Development Plan is to ensure equality and equity of opportunity for all Leicestershire children and young people irrespective of their need or locality.

## **Background Papers**

Report to the Cabinet on 29 March 2019 - Special Educational Needs and Disability – Progress with the delivery of the HNB Development Plan

<http://politics.leics.gov.uk/documents/s145118/HNB%20Development%20Plan%20Update.pdf>

Report to the Cabinet on 24 May 2019 - Special Educational Needs and Disabilities Provision – Results of Consultation on the Development of New Provisions (High Needs Block Development Plan)

<http://politics.leics.gov.uk/documents/s145903/HNB%20Development%20Plan%20Update.pdf>

Proposal to establish a new Social Emotional and Mental Health (SEMH) special school. <https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-organisation>

Proposal to establish a new Communication and Interaction (ASD) special school.

<https://www.leicestershire.gov.uk/education-and-children/schools-colleges-and-academies/school-organisation>

## **Officers to Contact**

Paula Sumner  
Assistant Director – Education and Early Help  
Children and Family Services  
Tel: 0116 305 0546  
email: [paula.sumner@leics.gov.uk](mailto:paula.sumner@leics.gov.uk)

David Atterbury  
Head of Service – Education Sufficiency  
Children and Family Services  
Tel: 0116 305 7729  
email: [david.atterbury@leics.gov.uk](mailto:david.atterbury@leics.gov.uk)



**Start Up Funding for Newly Commissioned and Special Needs Units subject to Agreed Expansion**

This funding protocol applies to the funding mechanism for all special educational needs units commissioned by Leicestershire County Council to open in the Council's 2019/20 financial year. These arrangements will apply to the first year of operation only.

**The National System**

Funding for special needs units as set out within government policy as;

- Element 1 (£4,000) delivered through the main school budget, pupils are included within the National Funding Formula (NFF). The £4,000 includes basic funding delivered through the Age Weighted Pupil Unit (AWPU) and other per pupil funding delivered through proxy indicators for SEND
- Element 2 (£6,000) delivered for each place commissioned by the local authority
- Element 3 where the cost of meeting the needs of the pupils exceeds £10,000 i.e. the combined value of Element 1 and Element 2 Funding only where a pupil is occupying a place.

Element 1 is received within the S251 Budget or GAG in the following financial year once the pupil is recorded on the October school census. This creates a funding lag during which start-up funding will be paid. Once the pupil is reflected in the s251 Budget or GAG no further funding will be paid through the start-up arrangements defined in later paragraphs of this document.

Element 2 funding is agreed in advance annually in November by local authorities and the ESFA. Once agreed the ESFA will fund this for academies, and the local authority in which the provision is placed. Once places are agreed through this process no further funding will be paid through the start-up arrangements defined in later paragraphs of this document.

**Start-Up Arrangements For the Establishment of New Special Needs Units**

For new special needs units opening within the Council's 2019 / 20 financial year and for the first year of opening the funding arrangements funding arrangements set out in this document will apply:

- 1) A one off allocation of £50,000 in the first year of opening. This is consistent with the LA policy on expansion of mainstream schools.
- 2) An allocation equivalent to the combined Element 1 (£4,000), Element 2 (£6,000) and Element 3 (£16,800) –i.e. total funding of £26,800 for each occupied place

This converts to a daily rate of £141.05 per occupied place (£26,800 / 190 School Days)

- 3) A payment of £5,000 (50% of the combined Element 1 and 2) will be paid for each unoccupied place i.e. the difference between the number of occupied places and the capacity of the unit as agreed with the local authority, this equates to £26.31 per day.

**Start-Up Arrangements For the Expansion of Existing Special Needs Units**

- 4) A one off allocation of £50,000 in the first year of opening. This is consistent with the LA policy on expansion of mainstream schools.
- 5) For units that are expansions of current units, the rate funded will be consistent with that currently paid, this will be converted to a daily rate and paid for each occupied place.
- 6) A payment of £5,000 (50% of the combined Element 1 and 2) will be paid for each unoccupied place i.e. the difference between the number of occupied places and the capacity of the unit as agreed with the local authority, this equates to £26.31 per day.

The funding arrangements set out in this document relate only to the first year of operation for new and expanding units opening within the local authority's financial year 2019/20 and for the first year of operation. During this period a review of Element 3 rates and methodologies will be undertaken to ensure that rates across all providers are equitable.