

**TITLE** **Special Education Needs and Disability Sufficiency and Safety Valve Programmes**

**FOR CONSIDERATION BY** The Executive on Thursday, 29 September 2022

**WARD** None Specific

**LEAD OFFICER** Deputy Chief Executive - Graham Ebers, Director,  
Children's Services - Helen Watson

**LEAD MEMBER** Executive Member for Children's Services - Prue Bray

**PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

The decision is required because

- (a) there are too few special school places in or on the margin of the Borough, leading to children having to travel outside the local area for special school places.
- (b) action is required to reduce spend on the High Needs Block budget, to eliminate a budget deficit, by delivery of high quality, local, more cost effective specialist provision.
- (c) Action is required to reduce spend on home to school transport, by reducing the length of journeys to school.

The benefits are:

- (a) Children will be able to attend appropriate specialist provision close to their homes, reducing the time they spend in transit.
- (b) Delivering cost savings for both the High Needs Block and Home to School Transport will ensure available funding is better aligned to the needs of vulnerable children and young people.

**RECOMMENDATION**

That Executive:

- 1) Approves the submission of a proposal by the Director of Children's Services in consultation with the lead member for Children's Services to the DfE for two new Special Free Schools in the borough in October 2022;
- 2) Supports the recommendation to utilise two sites (part of Rooks Nest Farm, Barkham and part of Grays Farm, south of Wokingham) owned by the Council for the provision of two new Special Free Schools and note that the disposal of these sites would be subject to a further Executive decision;

- 3) Notes the ongoing preparatory work for participation in the national “Safety Valve” intervention programme from September 2022.
- 4) Notes the development work in progress for further projects to increase special needs provision in the borough.

## **EXECUTIVE SUMMARY**

As with many other local authorities, Wokingham continues to face significant challenges in balancing available High Needs Block (HNB) resources with meeting the needs of local children and young people with SEN. One of the contributory factors to this challenge is insufficient local high quality, but value for money, specialist provision.

An in-year deficit of £4.3m on the High Needs Block is forecast for the 2022/23 financial year, with a cumulative DSG deficit of £14.5m forecast by the end of March 2023. The number of children requiring support is projected to continue to increase.

Under the governance of the SEND Innovation & Improvement Programme the local authority seeks to work in partnership with schools, families and a range of stakeholders to identify and deliver a sustainable approach to SEND within the borough. A number of key actions have been identified, and plans are in development to improve service provision. Two strands of work can be identified:

- Improving SEND services (including assessment) in mainstream schools.
- Investment in new local specialist provision, to meet increasing demand and to increase the proportion of children and young people with Education Health and Care Plans in local provision.

This report provides an overview of the significant programme of work ongoing, the focus of the SEND Improvement Board over the coming months, and Wokingham’s participation in the Department for Education’s Safety Valve Programme from September 2022. This programme was established in 2020/21 to provide additional support to Local Authorities with the highest percentage Dedicated Schools Grant (DSG) HNB deficits.

Five key areas of work to improve services (learning from previous safety valve interventions) are planned:

- Early Intervention Focus
- Increased SEN Support Offer
- Review EHCP assessment process and thresholds
- Culture change and work with school leaders
- Appropriate and thorough provision mapping, with potential development of more local provision

Investment in new facilities will be central to plans to improve services, while reducing the current deficit. While this investment is separate to the Safety Valve Programme, the proposals are linked through the underlying need to reduce spend. Three levels of provision are planned:

- Specially resourced provision (SRP), where children spend most of their time in school in mainstream classes.
- Designated units (DU), where children spend most of their time in the unit, with mainstream education for a smaller proportion of their school time. 2 new units and a separate Early Years provision have been identified as required to meet need.

- Special Schools, where a need for two additional special schools has been identified.

Plans for SRP and DU provision are in development.

The DfE announced this summer that local authorities have a further opportunity to put forward proposals for new special free schools, under the national “Wave 15” Free School Programme. In essence, if accepted, local authorities provide free sites, guarantee to fund places at the schools, and provide statements of requirements and evaluate proposals from Trusts who wish to run new schools, and the DfE provides capital funding and appoints Trusts to run schools. It is proposed that two proposals are put forward, for schools on part of the Rooks Nest Farm site at Barkham and part of the Grays Farm site, south of Wokingham.

## **BACKGROUND**

In Wokingham 2.5% of the school age child population have an Education Health and Care Plan (EHCP) (a statutory statement of the additional support and special provision they require) because of the severity or complexity of their needs. Many of these children are placed in mainstream schools (just under 40% of all EHCPs are for mainstream schools), but an almost identical proportion are placed in Special Schools and Resource Bases (the balance is largely made up of young people attending Further Education colleges).

Wokingham Borough is experiencing a very rapid growth in the number of children with high levels of Special Education Needs (measured by EHCPs). Recent projections point to the number of EHCPs increasing from just under 1,500 EHCPs in January this year to nearly 2,400 EHCPs by 2025, nearly 60% growth, if no corrective action is taken. This is consistent with the rate of growth in the number of EHCPs over the period 2019 to 2022 of over 15% per annum (from 934 in 2019 to 1,488 in 2022). This rate of growth greatly exceeds the growth rate for the child population (less than 5%).

Associated with this growth in EHCPs, the number of children with EHCPs naming special schools outside the borough, including high cost independent and non-maintained special schools, has increased.

As a consequence of this growth an in-year deficit of £4.5m is forecast for the 2022/23 financial year, with a cumulative deficit of £14.5m forecast by the end of March 2023. Without corrective action this deficit will continue to grow.

It has been recognised by officers, members and other stakeholders that this is untenable, and officers have been working with schools and other stakeholders to better understand the challenges to help formulate plans to improve the local management of SEND. This work continues under the leadership of a local SEND Improvement Board, tasked with the delivery of a SEND Innovation and Improvement Programme.

This issue is not unique to Wokingham, and the DfE set up a national Safety Valve programme to support councils facing rapidly rising deficits to reduce spend in 2020/21. Learning from ongoing Safety Valve interventions in other areas informs the programme of works that has been developed by officers and key stakeholders working to the SEND Improvement Board.

## **Business Case**

### ***Evidence of need***

Key data is set out below, with further data in Appendix one, the current SEND position.

Needs and support requirements relating to SEND have increased significantly in Wokingham between 2017 and 2020; analysis of trend data suggests that future increases are likely over the next three years.

Within this group, the increasing numbers of younger children (in Reception, KS1 and KS2) with EHCPs is notable. Although absolute numbers are small, between 2019 and 2020 there was a 75% increase in the numbers of children at Reception age with EHCPs. Increases in the numbers of children at early curriculum years have potentially significant implications for increased demand for services and support in coming years.

In terms of primary SEN needs featured in EHCPs, the greatest areas of need show consistently across various data sets as being for Autistic Spectrum Disorder (ASD), Social Emotional and Mental Health difficulties (SEMH), Speech Language and Communication difficulties (SLC) and Moderate Learning Difficulties (MLD) In recent

years, there have been significant proportionate increases in ASD and SEMH in KS2 and KS3 particularly. This also has potentially significant implications for demand for services and support as these children age through the education system.

The projected increases for these categories of need are sufficient to justify new provision in Wokingham. Between 2022 and 2025, the following increases are expected:

SEMH	277
ASD	370
SLD	14
SLCN	104
Other needs	106

The new Oak Tree School in Winnersh will provide 75 places for children with ASD in the borough, still below the scale of the projected need.

The projections for SEMH (Social Emotional and Mental Health difficulties) and SLD (Severe Learning Difficulties) and SLCN (Speech Language and Communication difficulties) potentially require a programme at least twice as great as the proposed 200 additional Special School places, but the gap will be made up through improved support in schools and better provision in mainstream schools through new resource base and unit places.

The projected cumulative deficit (without corrective action) will increase to circa £49m by the end of 2025/26.

### ***Options considered***

Three options have been identified:

- 1) Do Nothing
- 2) Seek to solve the various identified challenges solely through use of Wokingham held resources.
- 3) Seek to work in partnership with the DfE with the intention of securing investment and support using external resources.

Option one has been rejected as the financial consequences of the scale of the expected deficit are unsustainable and the lack of local provision means that children are subject to lengthy daily journeys to out of borough provision.

Option two is to do what is possible without external financial support. However, the scale of the capital investment required is such that it would be very challenging to support the development of additional provision, given Wokingham's pre-existing commitments and limited resources. Changes to support, assessment and service delivery would all take place, but the impact would be lessened if aspects of the growth programme were not deliverable. Further details of proposed improvements to the support programme for schools are set out in Appendix two: SEND support programme improvements.

Option three has the potential to unlock funds that will enable a full programme of interventions to be delivered, including timely investment in new facilities. The two key partnerships with the DfE are participation in the Safety Valve Programme and securing support for two new special schools in the borough through bids to the national Wave Free School funding programme (which is separate to the Safety Valve Programme).

Further details of the proposed investment programme, including the two proposed Special Free Schools, are set out in Appendix three: SEND Investment Programme

Option 3 has been identified as the most advantageous to the Council, with Option 2 as the fall back.

### ***Proposed sites***

#### **New school site area**

Each new school would need between 1.22 and 1.63 Hectares for the site, based on DfE non-statutory accommodation and site guidance for special schools.

#### **Proposed sites**

Following a review of the Council's land ownership two sites have been identified as suitable and available for new Special Schools. These are:

- Part of Rooks Nest Farm, Barkham Ride, Finchampstead, Wokingham RG40 4EU
- Part of Grays Farm Heathlands Road, Wokingham RG40 3AN

Utilising our existing understanding and knowledge of the sites, the initial view of officers is that these sites would be suitable for SEND School use from a planning and development point of view. They could also be available within the timeframes of the programme.

Subject to approval from the DfE of our bids, the formal long leasehold disposal of the sites to the DfE for SEND school use would be subject to a decision by the Executive.

### ***Risks***

The key risks are:

That the Council is unsuccessful in securing new schools through the Wave 15 proposals.

*This has to be considered a high risk, as only 60 schools are expected to be approved.*

That too few schools volunteer to host specialist resource bases and resource units.

*This has to be considered to be a high risk, as there has been limited interest to date from schools.*

That the planned review of the EHCP assessment process and thresholds leads to a faster throughput to Special School provision than currently projected.

*While this is considered to be a medium risk, it has to be counterbalanced by proposals to increase both SEND support for schools and early intervention.*

### ***Timescales***

Safety Valve Interventions

From Winter 2022

New WBC supported Specialist Resources Bases and Units

From September 2023

**Expected outcomes**

Reduction in the High Needs Block Deficit, working towards a balanced budget

Reduction in Home to School Transport Spend

Increased proportion of children educated in appropriate specialist provision in the borough

Trend towards an increased proportion of children educated in special schools reversed.

**FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£100k	Yes – funded from existing resources	Revenue
Next Financial Year (Year 2)	£100k	Yes – funded from existing resources	Revenue
Following Financial Year (Year 3)	£30m	No – subject to capital funding bids through Wave programme	Capital

**Other Financial Information**

The capital cost of building 2 new special schools is estimated at £26m. Bids to the DfE's Wave programme would seek to secure funding as set out in option 3 above. In addition, some capital funding is also held by the DfE for the Safety Valve Programme and this will be explored as part of negotiations.

Release of the 2 sites identified for locating the new schools would equate to loss of capital receipts of between £5m and £5.5m as the land would not be available for other purposes.

The capital receipt could otherwise be used to reduce the Council's revenue spend by a sum equating to 5% of the capital value received, in this case therefore £262,500 per annum.

The revenue costs of additional capacity needed to deliver the programme of work supporting the funding bids is estimated at £200k.

Delivery of increased local provision to meet need unlocks savings as more SEN pupils are educated locally. The average cost of a special school place is significantly lower than commissioning a place through the independent and non-maintained sector, driving down costs for the High Needs Block. In addition, as individuals are educated closer to home, costs incurred on statutory Home to School Transport are reduced.

Based on current average costs, for every pupil educated in an in-borough special school rather than an independent non-maintained school, the following savings would be delivered annually:

- Placement cost £35,000
- Transport cost £5,000

Providing an additional 200 in borough placements would save around £70m against the High Needs Block, and £10m on transport over a 10 year period. Savings would start to be delivered from the point the schools open, increasing over a 4 year period reflecting expected intake profile. Given timeline for delivery of new schools, it is anticipated that the earliest savings would be delivered would be 2026/27.

	per pupil £	per annum [based on 200 pupils] £	over 10 years of Education £
<b>Revenue Savings</b>			
Average INMSS placement	65,000	13,000,000	130,000,000
Average Special School placement	30,000	6,000,000	60,000,000
<b>Revenue Saving to High Needs Block</b>	<b>35,000</b>	<b>7,000,000</b>	<b>70,000,000</b>
Average Transport cost Out of Borough	13,000	2,600,000	26,000,000
Average Transport cost In Borough	8,000	1,600,000	16,000,000
<b>Revenue Saving to General Fund</b>	<b>5,000</b>	<b>1,000,000</b>	<b>10,000,000</b>

Note here that the expected saving to General Fund alone is, at £1m p.a., £0.74m greater than the financial benefit that would accrue from selling the sites and using the interest from the receipts to offset revenue spend.

## Stakeholder Considerations and Consultation

Include information relating to any consultation that is due to be carried out including date and how the consultation will be carried out

## Public Sector Equality Duty



Equalities assessment attached.

**Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

New accommodation would be built to higher standards, with all electric heating, and solar panels in accordance with carbon neutral policy commitments. Educating an increased number of children within the borough will reduce school run transport

#### **List of Background Papers**

n/a

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