

Classification:	Decision Type:
Open	Key

Report to:	Cabinet	Date: 11 January 2023
Subject:	Programme plan for future Specialist Resourced Provision – update on progress	
Report of	Cabinet Member for Children and Young People	

1.0 Summary

- 1.1 Cabinet is requested to consider a report updating on the progress made to date in relation to the delivery of the specialist place sufficiency plan contained within Project Safety Valve, which set out ambitious plans to increase specialist resourced provision in mainstream schools, alongside the development of new Free Special Schools.
- 1.2 The report contains an overview of ongoing projects necessary to deliver the new resourced Provision Units, including indicative delivery programmes and associated capital costs, and seeks approval to financial commitments in accordance with Council financial regulations.

2.0 Background

2.1 Project Safety Valve and SEND Transformation

- 2.2 Working with the DfE in its Project Safety Valve programme (PSV), the Council has developed ambitious plans to transform its arrangements in respect of Special Educational Needs and Disabilities (SEND).
- 2.3 The PSV programme considers all aspects of the Council's approach to SEND, which includes a comprehensive approach to understanding the sufficiency requirements across the local area, and an extensive programme to deliver increased capacity of high quality, local specialist provision.
- 2.4 Within the programme, the Council has developed a SEND sufficiency strategy which seeks to respond to the lack of maintained specialist provision to meet current and forecast increased demands from within the resident population.
- 2.5 From this, a programme has been developed to deliver increased capacity through the establishment of a number of new Resourced Provision units linked to mainstream schools, in addition to the establishment of three new Special Schools, together with the expansion of Millwood Special school. This will provide access to high quality local provision, whilst also reducing reliance on out of borough placements.
- 2.6 Bury currently has a significantly lower number of Resourced Provision places than nationally and regionally.

- 2.7 Current and forecast future patterns of demand have been analysed and mapped against current provision. This includes the likely pressure for specialist placements for children and young people currently in mainstream schools, which is particularly acute for those with Autistic Spectrum Condition (ASC), Social, Emotional and Mental Health (SEMH) needs, and Speech, Language and Communication Needs (SLCN), especially in the primary sector.
- 2.8 The specialist place sufficiency strategy identified a number of schools capable of supporting the development of new Resourced Provision and the quantum of new places required to meet increasing demand from the local population.
- 2.9 It is planned to establish six new primary, and initially two new secondary Resourced Provisions, potentially growing the secondary capacity in future years. This is cognisant of two of the new Special Free Schools coming online in 2023/24 and 2025/26, both of which will meet secondary age demand.
- 2.10 The Council has received additional capital funding through the Safety Valve agreement to support this programme of investment.
- 2.11 Specifications and Service Level Agreements have been developed for the delivery of new provision to ensure that they are aligned to meeting the needs identified.
- 2.12 Capital schemes to support the development of the proposals have or are in the process of being developed. Capital funding has been identified within the Children's Services Capital Programme utilising the additional capital grant allocated by the DfE.
- 2.13 Indicative delivery programmes have been mapped for each scheme. All are unique in terms of their requirements and each poses its own level of associated risk. For the majority of schemes, capital funding will be passported to the school/trust concerned to deliver the project. Appropriate quality assurance and financial control mechanisms will be put in place to mitigate the risk.
- 2.14 In addition, a detailed programme plan, with associated risk assessment is in place. The PSV Delivery Board and Schools Capital Board have oversight of these.
- 2.15 Once the detail is developed for each proposal, for LA maintained schools, statutory proposals will need to be published in order to make the legal change necessary to implement the change for each of those schools. The outcome of consultation on these statutory changes will be brought back to Cabinet at a later date for Cabinet determination.
- 2.16 For Academies, the relevant Trust will need to apply directly to DFE to make the legal changes necessary to establish the resourced provisions.

- 2.17 The Council's standing orders require approval to expenditure in excess of £500,000 for individual projects contained within the agreed capital programme. The full capital cost of delivering the Resourced Provision programme is contained within the Children's Services capital programme. Approval is now sought in respect of the individual projects, a number of which exceed the £500,000 threshold, in order that tenders for those projects can be accepted.
- 2.18 A separate report will be presented to Cabinet at a later date in respect of the Free Special schools.

3.0 Summary of Proposals

School	Specialist Provision/ SEND need	Number of Places	Indicative Capital Expenditure	Target opening date	Comments
Chantlers Primary	SEMH	12	£420,000	Autumn 2023	Requires modest extension to existing school accommodation.
Gorsefield Primary	ASC/SLCN	12	£500,000	Autumn 2023	Requires building extension and internal remodelling.
Our Lady of Lourdes RC Primary – Phase 2	ASC/SLCN	10	£400,000		Extension of the provision established Sept 22 to accommodate KS1 Requires additional accommodation which will link with wider Diocesan whole school development programme to which a capital contribution will be required.
Summers-eat Methodist Primary	SEMH (focus on anxiety)	10	£20,000	Autumn 2023	The provision can be accommodated within the existing school building, with some minor adaptation. The scheme will be progressed if the school is judged good or better at its next inspection.
Tottington Primary	SEMH	12	£400,000	Autumn 2023	Redesignation from PD. Requires extension & adaptation to existing accommodation.
Woodbank Primary	ASC/SLCN	12	£350,000	Autumn 2023	Modular solution being explored.

Hazel Wood Secondary	SEMH	12/15	£200,000	Autumn 2023	To be located in accommodation currently occupied by the secondary inclusion hub. Awaiting re-inspection.
The Derby Secondary	SEMH (focus on anxiety)	12/15	£500,000	Autumn 2023	Requires building adaptations

4.0 Recommendation(s)

That Cabinet:

- Note the progress made to date in relation to the development of specialist resourced provision in mainstream schools.
- Approve in principle the indicative capital commitments required to deliver the individual projects.

4.1 Reasons for recommendation(s)

Development of additional resourced provision in mainstream settings – as set out in the Project Safety Valve agreement between the Council and the Department for Education, is a key element of the specialist place sufficiency strategy. Taken together, the Agreement and strategy set out the business case for the development of new provision to meet increasing demand for specialist provision and reduce the reliance on placements in Independent and Non Maintained Special Schools (INMSS).

The PSV agreement between the Council and Department for Education (DfE) sets out the requirement for new specialist educational provision, including new Resourced Provision and new Free Special Schools. This includes a schedule of those mainstream schools where it is intended to establish new RP, the funding allocated to support delivery, and indicative timescales for delivery.

The agreement has been subject to consideration by Cabinet and the Children & Young People's Scrutiny Committee and is subject to governance provided by the PSV Delivery Board and Schools Capital Board.

The development of new specialist provision seeks to ensure access to a high quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need.

Long-term value for money will be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This will free up special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out of borough provision. Increased capacity for outreach will deliver support for pupils in mainstream

settings, leading to fewer pupils being transferred to specialist provisions and improving inclusion opportunities in mainstream schools.

4.2 Alternative options considered and rejected

The projects support the Council's programme of SEND transformation, in expanding in borough specialist provision, targeted at the right areas of need.

5.0 The Statutory Process

- 5.1 The Local Authority has a statutory duty to constantly review the specialist provision available for children and young people with Special Educational Needs and Disabilities (SEND), whilst also ensuring that there are sufficient specialist places available to meet the needs of the growing SEND population.
- 5.2 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 ('*the Prescribed Alterations Regulations*') set out the statutory process to be followed to establish SEND provision at Community and Voluntary Aided (VA) schools. Ordinarily the LA will be the decision maker on such proposals.
- 5.3 There are different arrangements in place for Academy Trusts wishing to make a significant change. The Department for Education (DfE) has produced guidance "*Making significant changes to an open academy and closure by mutual agreement*" which sets out the process that Academy Trusts must follow when proposing to make significant changes. Proposals to establish SEND provision requires the submission of a business case to the DfE. Whilst the LA must be consulted, decisions on academy proposals will be made by the DfE.
- 5.4 The schools identified to develop proposals to establish specialist resourced provision include Community, Voluntary Aided and Academies and will therefore be subject to the different statutory processes.

Financial Implications

Projects will be funded through the Children's Services Capital programme.

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Links with the Corporate Priorities:

Please summarise how this links to the Let's Do It Strategy.

The proposed increase in specialist resourced provision has the potential to support key ambitions of the Let's do it strategy:

- A better future for the children of the borough
- A better quality of life
- A better future for the children of the borough
- A chance to feel more part of the borough
- Building a fairer society that leaves no-one behind

Equality Impact and Considerations:

Please provide an explanation of the outcome(s) of an initial or full EIA.

The outcomes of the initial equality analysis is positive.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services

Environmental Impact and Considerations:

Please provide an explanation of the carbon impact of this decision.

The contractors would be responsible for the design and delivery of the project and be required to demonstrate their commitment to lowering the carbon footprint in all projects.

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Lack of specialist support to school	Development of specification, Memorandum of Understanding, and revenue funding mechanism
Lack of commitment from school to progress the project	Development of specification, Memorandum of Understanding, and revenue funding mechanism
Project costs – costs contained within allocated resources	Detailed costs to be provided prior to agreement to proceed and monitoring procedures in place
Statutory Process – adverse representations – impact on Cabinet determination	Consultation and engagement with all stakeholders
Project delivery – Scheme delivered on time, RP to be established by agreed date.	Detailed delivery programme prior to agreement to proceed and monitoring procedures in place

Legal Implications:

On each project the statutory requirements will need to be followed as set out in Part 5 of this report. Provision 5 of the 2013 regulations sets out that a prescribed alteration can be the provision for special educational needs in a mainstream school. This includes the establishment of a provision that is recognised by the local authority as reserved for children with educational needs or a change in the type, or types of special educational provision that is recognised by the local authority as reserved for children with special educational needs.

Cabinet are asked to make an in-principle decision in relation to the capital funding, each project will be subject to further detailed work during the procurement process.

Financial Implications:

The estimated costs as they are detailed within this paper are within the Education capital programme. However, the true costs of the works will not be known until the works are tendered and there are currently rising costs within the construction industry. It is essential for the delivery of the project safety valve financial targets that children are educated within borough provision rather than in higher costing out of borough placements. This is an ambitious programme to get all of this provision available by Autumn 2023 and there are a number of conditions that need to be met in order for this to be achievable.

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

Project Safety Valve – SEND Sufficiency Place Planning

[Specialist Provision Place Planning](#)

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DfE	Department for Education
SEND	Special Educational Needs and Disabilities
RP	Resourced Provision
EHCP	Education & Health Care Plan
SEMH	Social Emotional and Mental Health
ASC	Autistic Spectrum Conditions
SLCN	Speech Language and Communication Needs
PD	Physical Disability
INMSS	Independent and Non-Maintained Special Schools