

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cllr Alexandra Sanderson - Cabinet Member for Children's and Education

Date: 17 October 2022

Subject: High Needs Alternative Provision 2023/24 Place Commissioning

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Responsible Director: Jacqui McShannon, Strategic Director of Children's Services

SUMMARY

Hammersmith & Fulham (H&F) is responsible for ensuring sufficient local provision for children and young people with special educational needs. This includes ensuring there is suitable provision and sufficient numbers and types of specialist placements to meet needs in H&F.

This paper summarises the place commissioning intentions for the 2023/24 academic year at establishment level for Alternative Provision.

RECOMMENDATIONS

The Cabinet Member for Children's Services:

1. Approves the Alternative Provision place commissioning numbers for 2023/24 academic year at a total cost of £640,000.
2. Delegates authority to the Director of Education to finalise Service Level Agreements with the Alternative Provision provider to give effect to point 1.

Wards Affected: All

| Our Values | Summary of how this report aligns to the H&F Values |
|----------------------------------|--|
| Building shared prosperity | Continue the delivery of outstanding education provision for H&F children and young people to enable and empower them to reach their full potential. |
| Creating a compassionate council | Support the sustainability of the H&F school economy to support H&F children and young people with a range of provision that offers the right |

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| | interventions at the right time, improving the life outcomes for children, young people, and their families. |
| Doing things with local residents, not to them | Maintaining high quality provision to allow further co-design with schools, parents, and partners to meet aspirations and changing needs. |
| Being ruthlessly financially efficient | Continued delivery of a robust education offers to meet the learning needs of H&F children and young people locally. |
| Taking pride in H&F | Support the H&F school community to deliver a robust education pathway for H&F children and young people. Allowing schools to continue to support H&F children and young people to play and active part in their local community, achieving paid employment, independent living, good health, and relationships. |
| Rising to the challenge of the climate and ecological emergency | Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; building on their knowledge to design a robust climate curriculum for all settings in H&F. |

Financial Impact

The proposed commissioned numbers for the Academic Year (AY) 2023/24 represent a reduction of 24 places from the AY 2021/22 where a total of 88 places were commissioned. For the AY 2022/23 there are 64 places commissioned so there is no change proposed for the AY 2023/24.

| Setting | AY 2022/23 Commissioned Numbers | Total cost for FY 2022/23 £ | Total cost for FY 2023/24 £ |
|---------------------------------|---------------------------------|-----------------------------|-----------------------------|
| Ormiston Bridge Academy – AP | 50 (includes 5 EHCP places) | 591,667 | 500,000 |
| Ormiston Courtyard Academy – AP | 14 (includes 6 EHCP places) | 148,333 | 140,000 |
| Total | 64 | 740,000 | 640,000 |

The reduction in place commissioning for the AY 2022/23 and 2023/24 has also resulted in a reduction in top-up costs payable as Alternative Provision top-up is paid on the actual number of places rather than participation. This has enabled the affordability of transitional funding being payable to OAT to enable them to make establishment changes which was approved via a separate Cabinet Member decision report.

Implications by: Caroline Baxter, Finance Manager. 20th September 2022.
Verified by: Andre Mark, Head of Finance (Strategic Planning and Investment), 18 October 2022

Legal Implications

Section 13 of the Education Act 1996 places a duty on a Local Authority to ensure sufficient primary and secondary education provision is available to meet the needs of the population in its area including pupils with additional Special Educational Needs.

The Council also has duties under the Children and Families Act 2014 to make special educational provision for children and young people whose needs cannot reasonably be met from the resources normally available to schools and post-16 institutions

Education funded by the High Needs Block of the DSG is provided to meet the Council's statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and the Council's statutory duties under the Children and Families Act 2014 to meet the needs of pupils and young people up to the age of 25 with special educational needs.

Approval of the alternative provision place commissioning numbers contributes to the fulfilment by the Council of these obligations.

Implications by: Jade Monroe, Chief Solicitor Social Care, 14 September 2022

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Background and context

1. Hammersmith & Fulham have high aspirations for all children and young people and are committed to ensuring every child has the best possible start in life. Effective commissioning will ensure we can provide the right support at the right time to ensure all children reach their full potential.
2. H&F is required to provide alternative provision (AP) places for all children of statutory school age who are subject to a permanent exclusion. The purpose of this paper is to set out the commissioning approach for children and young people attending Alternative Provision and the operational arrangements with the provider to ensure high quality and good value provision and sufficient places to meet need. This is in lieu of the completion of the SEND Sufficiency review which will inform both the future designation and commissioning arrangements for provision in H&F to meet the projected medium to long-term needs.

3. Placements into Alternative Provision are agreed via three potential pathways:
 - Permanently excluded pupils
 - Placements agreed via Hammersmith and Fulham Fair Access Panel
 - Hammersmith and Fulham Council agreed Managed Moves

In agreeing the 2022/23 place commissioned numbers with Ormiston Academy Trust (OAT), an analysis of historic and anticipated future demand was completed. This resulted in a reduction in place commissioned numbers with a subsequent open book review completed to agree a revised top-up. This identified that OAT would have a £411,000 deficit in 2022/23 academic year. To allow OAT sufficient time to make the required establishment changes, transitional funding was agreed by the Cabinet Member in August 2022. This funding will be released during the 2022/23 academic year subject to delivery against agreed milestones.

2023/24 Requirements

4. The analysis of available data to determine the 2022/23 commissioning intentions indicated that across the above three cohorts over the next three to five years, H&F will require a total of 45 places at Ormiston Bridge Academy and eight at Ormiston Courtyard Academy. This does not include specialist EHCP provision. Based on current participation levels, it is therefore intended to maintain the current commissioned numbers in 2023/24 at this level.
5. In addition, it is intended to continue to commission five SEN places at the Ormiston Bridge Academy and six SEN places at the Ormiston Courtyard Academy for the academic year 2023/24 to meet the needs of the current EHC cohort in lieu of the recommendations from the SEN Sufficiency review.

Reasons for Decision

6. As detailed in the High Needs Funding Operational Guidance: 2022 to 2023: “High needs funding is provided to local authorities through the high needs block of the dedicated schools grant (DSG). Local authorities must spend that funding in line with the associated conditions of grant, and School and Early Years Finance Regulations.”
7. The high needs funding block provides local authorities with resources to support provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25, enabling both local authorities and institutions to meet their statutory duties under the Children and Families Act 2014.
8. Local authorities determine how much to set aside in their high needs budget for place and top-up funding given to institutions and have flexibility to change funded place numbers.
9. Place funding should broadly reflect both local authorities’ recent commissioning activity and strategic planning to secure suitable special educational needs and

disabilities (SEND) provision and AP, in line with their statutory responsibilities and regional requirements.

10. Local authorities are required to consult with institutions in their area and discuss both current numbers of places being taken up, which will be included on the school census and special educational needs and disabilities (SEND) provision (ILR) returns, and the number of places required in future.

Equality Implications

11. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the school place commissioning arrangements set out in the recommendations.
12. Officers anticipate a neutral impact as the funding model outlined in this report is intended to provide financial stability to schools. The report does not recommend a decrease in the place funding allocation. In some cases, the report allows for an increase in the place funding allocation.
13. In addition to place funding, individual learners also attract top-up funding to deliver to the specification in their Education, Health, and Care Plans.

Risk Management Implications

14. The paper sets out the Council's place commissioning intentions for the 2022/23 academic year enabling both the Local Authority and local education settings to meet their statutory responsibilities by securing sufficient provision to meet local needs through commissioning activity and strategic planning.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 7 September 2022

Climate and Ecological Emergency Implications

15. This decision does not have direct climate and ecological implications. The main expected greenhouse gas emissions sources associated with this provision are in the energy use on-site. These are being managed separately through the council's corporate retrofit programme.
16. Schools are a key partner for supporting H&F's climate agenda alongside partner organisations; raising awareness and understanding of the climate and ecological emergency, and the steps that people can take, will remain an important part of educational provision.

Implications verified by: Jim Cunningham, Climate Policy & Strategy Lead, 12th September 2022

Consultation

17. A review of historic demand has been conducted to inform future projections. A period of consultation has been undertaken with the provider to confirm agreement with the proposed commissioning intentions.

LIST OF APPENDICES

None