

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Cabinet

Date: 04/09/2023

Subject: Special School Organisation and Capital Plan

Report of: Councillor Alex Sanderson, Cabinet Member for Children and Education

Report author: Peter Haylock, Operational Director for Education and SEND

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

SUMMARY

The Special School Organisation and Capital Plan sets out an ambitious programme of investment in provision for children and young people with Special Educational Needs and Disabilities (SEND) in Hammersmith & Fulham (H&F) over the period to 2030.

It delivers on the ambitions of the local area's SEND Strategy and builds on the detailed analysis of trends in demand for specialist provision recommended in the SEND Sufficiency Review.

The plan sets out a framework for capital investment of £8 million in enhancing provision across the borough for pupils with SEND.

RECOMMENDATIONS

Cabinet approves the

1. Special School Organisation and Capital Plan at Appendix 1 of this report.
 2. Publication of the documents attached at Appendix 1 of this report.
 3. Approves the five-year commissioning plan detailed in the Special School Organisation and Capital Plan at Appendix 1
 4. Delegates authority to the Operational Director of Education and SEND to finalise Service Level Agreements with schools to give effect to point 3.
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Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	Ensuring a person-centred approach that delivers the right level of support to meet presenting needs of children, young people and their families – and in so doing provide them with the best opportunities to thrive.
Creating a compassionate council	Listening and responding to feedback from professionals, young people, parents, carers, education settings and wider partners regarding what was working well, what needed improvement and where the gaps were with regards to current support available.
Doing things with local residents, not to them	The documents were developed following engagement with families in developing the recommendation of the SEND Sufficiency Review and priorities of the SEND Strategy.
Being ruthlessly financially efficient	This strategy will support local partners to meet the needs of children and young people in H&F and increase the confidence of parents and carers.
Taking pride in H&F	These documents will ensure our support to children and young people with SEND enables them to lead happy, healthy, and fulfilling lives and achieve their life goals.

Financial Impact

The capital budget for Special Educational Needs and Disability placement sufficiency totalling £8m between 2023/24 and 2027/28 was approved by Cabinet decision on 5 June 2023. The budget is fully funded from confirmed Special Provision Capital Fund and High Needs Provision Capital Allocations (HNPCA) grant funding received or due in 2023/24 financial year.

This investment of £8m has the potential to reduce the number and proportions of placements outside of the borough. These issues are complicated and based on future demographic impacts and the details are being evaluated and assessed. Any beneficial implications of this on the revenue budget for Children's Services will be considered as part of the future MTFS planning.

Financial Implications by: Tony Burton, Head of Finance Children's Services and Education, 14 June 2023

Verified by: Sukvinder Kalsi, Director of Finance, 26 June 2023

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.

The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and 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 SEND Sufficiency Review and its recommendations contributes to the fulfilment by the Council of these obligations.

Implications verified by: Jade Monroe, Chief Solicitor Social Care 14 June 2023

Contracts and Procurement Legal Implications

Any new contracts with suppliers signed pursuant to the recommendations will be required to follow the procurement rules in the Council's Contract Standing Orders and Public Contracts Regulations 2015.

Angela Hogan, Chief Solicitor (Contracts and Procurement) 15 June 2023

Background Papers Used in Preparing This Report

None

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Special School Organisation and Capital Plan is a key document to enable the delivery of our vision for children and young people across H&F. To achieve this, we need to invest in local SEND provision so it aligns with our SEND Strategy to ensure that we can meet needs of children and young people - at the right time and in the right place.
2. The Special School Organisation and Capital Plan sets out a programme of investment following the recommendation of the SEND Sufficiency Review to ensure that there is sufficiency of placements to meet needs over the medium to long term in the borough in the context of what is ordinarily available in schools. The review commits to promoting inclusion, and excellent outcomes

for children with SEND and those who need additional support to achieve their full potential.

3. The SEND Strategy and SEND Sufficiency Review were coproduced with partners across the borough. Feedback was obtained from stakeholders across the local area including parent/carers, health, education, and social care to inform the final versions of the documents.

Option 1 – Approve the Special School Organisation and Capital Plan (Recommended)

4. The plan has been produced in response to the recommendations of the SEND Sufficiency Review and local area priorities of the SEND Strategy. Both of these documents were developed in partnership and coproduced with families, partners and providers across the local area, and a consultation exercise was completed. The final versions of those documents and subsequent recommendations were updated considering feedback received throughout the consultation period and approved at Cabinet in June 2023.
5. The Plan sets out the programme of investment in our school estate to meet the needs of children and young people with SEND locally across mainstream, resourced and special provision.
6. This option is recommended.

Option 2 – Do not approve the Special School Organisation and Capital Plan (Not recommended)

7. This option would prevent investment in the H&F school estate and subsequent delivery of the recommendations of the SEND Sufficiency Review, therefore failing to implement a collectively agreed approach to working together to support children and young people with SEND, and their families.
8. This option is not recommended.

Reasons for Decision

9. 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.
10. 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.
11. The Council has additional statutory duties under section 19 of the Education Act 1996 to provide education for pupils needing alternative education and 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.

12. Approval for the Special School Organisation and Capital Plan contributes to the fulfilment by the Council of these obligations.

Equality Implications

13. There are no direct negative equality implications for groups with protected characteristics, under the Equality Act 2010, by the approval of these documents. An Equality Impact Assessment has been completed in relation to the SEND Sufficiency Review recommendations and will be kept under review during the implementation.

Risk Management Implications

14. The report recommends approval of the Special School Organisation and Capital Plan which provides the delivery plan in relation to the recommendation of the SEND Sufficiency Review and local area priorities of the SEND Strategy. Both of these documents were subject to extensive consultation with stakeholders, including partners, providers, and young people. The document formulates a key delivery strand of the SEND Strategy; ensuring needs are met locally and as early as possible. This is in line with being a compassionate council and in being ruthlessly financially efficient.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 12 June 2023

Climate and Ecological Emergency Implications

15. There are no anticipated climate and ecological implications as a result of publication of these documents. Projects referenced in the Special School Organisation and Capital Plan will form separate programmes of work within which the project team will liaise closely with the Climate Unit.

Implications verified by: Hinesh Mehta, Head of Climate Change, 13 June 2023

Consultation

16. At the start of the sovereign H&F service in 2018, officers have worked with parents, schools, and partners to ensure services and provision is in place to meet identified needs. The SEND Sufficiency Review was undertaken jointly with our partners across the local area. A Reference Group was established with representation across H&F Council, the Integrated Care Board and school partners to share knowledge and expertise, support developing key lines of enquiry with the commissioned provider undertaking the review and to review and test assumptions.
17. Subsequently a series of thematic discussions were held during the Summer which included representation from across the Council, the Integrated Care Board, Health providers and parents and carer forum members (ParentsActive) to understand the current challenges of provision, consider future projections and potential solutions to challenges and scope recommendations for provision

in line with H&F's inclusion agenda and the direction of travel in relation to the Governments SEND Review Green Paper.

18. Throughout the review we utilised existing feedback from children and young people gathered through our Coproduction Lead and Youth Voice Coordinator. The thematic workshops, surveys, meetings, and individual interviews have all shaped the local context, needs analysis and recommendations detailed throughout the review.
19. A draft version of the review and recommendations were shared with our SEND Delivery Group which included representation from schools, children centres, health providers, our Parent/Carer forum and representatives from across the Local Authority and Integrated Care Board prior to public consultation.
20. Public consultation ran from the 20 February 2023 to 24 March 2023. Information was shared on the consultation via Parentsactive, SchoolZone, the Integrated Care Board, Health providers and the Children's Services staff newsletter. During the consultation, a series of roadshows were held with key stakeholders to promote engagement. This included jointly facilitated sessions with Parentsactive where Senior Officers presented to parents and carers the proposals and were available to respond directly to any questions. Further sessions were also held with school partners, early years providers and Special Education Needs Coordinators (SENCO's).
21. The consultation was seen by 157 people. Six responses were received to the SEND Sufficiency Review which were largely positive in nature. A summary of the responses received and how these were addressed can be found at Appendix 2. It is likely that the series of roadshows and prior engagement supported a shared understanding and resulted in a lower number of returns. Throughout the consultation and at the roadshows no significant concerns were raised.
22. In preparing the Special School Organisation and Capital Plan, meetings have been held with all Resourced Units and Special Schools to consider their business plan and agree the direction of travel.
23. Whilst increasing capacity at schools to accommodate Resourced Units is unlikely to require statutory proposals (as changes in roll are unlikely to be above 30 pupils or 25% of the number on roll), confirming the locations for the units will require extensive consultation with schools, parents and other stakeholders including consultation on changes in admission arrangements. For an opening in September of a given year, consultation on changes in admission numbers would need to begin in the February of the previous year (e.g., February 2024 for a September 2025 opening). Prior to this agreement will also need to be obtained formally with the Governing Body on the proposals.

LIST OF APPENDICES

Appendix 1 – Special School Organisation and Capital Plan

Appendix 2 –SEND Sufficiency Review - We asked, You Said, We Did –
Consultation Responses