

# **WEST NORTHAMPTONSHIRE COUNCIL CABINET**

**3 MAY 2022**

**CLLR FIONA BAKER – MEMBER FOR FAMILIES AND EDUCATION**

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<b>Report Title</b>	<b>Proposal to establish a 50 place Special Educational Needs &amp; Disability (SEND) unit for pupils with a primary need of Autistic Spectrum Condition (ASC) at Hunsbury Park Primary School, Northampton</b>
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## **Contributors/Checkers/Approvers**

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## **List of Appendices**

**None**

## **1. Purpose of Report**

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- 1.1. The purpose of this report is to provide Cabinet Members with all relevant information to allow for a fully informed decision on this proposal to be made.

## **2. Executive Summary**

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- 2.1 This report provides details relating to the demand for SEND places and lack of available capacity within specialist settings in West Northamptonshire that is currently being experienced. The report provides details relating to the impact this situation is having on children and young people in receipt of an Education, Health & Care (EHC) Plan that reside in the area and the impact this has on WNC education budgets.
- 2.2 The report provides further details relating to the future demand for SEND places and that the current trend of increasing demand is forecast to continue in future academic years.
- 2.3 The report references WNC's plans to address the issues caused by the increasing demand for SEND places and the specific benefits that could be realised via the provision of a new SEND unit at Hunsbury Park Primary School.

### **3. Recommendations**

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- 3.1 It is recommended that the Cabinet/Committee:
  - a) Approve the publication of the statutory notice of its intent to establish a new, 50 place, SEND unit catering to pupils with a primary need of ASC, at Hunsbury Park Primary School.
  - b) Notes that following the publication of the statutory notice a four week period of consultation on this matter will commence.
  - c) Notes that a further, final decision will be required in July as to whether or not to establish the proposed SEND unit at Hunsbury Park Primary School.

### **4. Reason for Recommendations (NOTE: this section is mandatory and must be completed)**

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- The proposal will help ensure that the Council is able to fulfil its statutory obligation of providing a sufficiency of SEND places within West Northamptonshire.
- The proposal will provide an increased number of SEND places and will help ensure that children with additional needs are able to access education in a provision that is best placed to meet their individual needs.
- The proposal can be considered to benefit all West Northamptonshire primary schools as it will reduce the need for mainstream school settings to provide places to children with additional needs where that provision is not best placed to meet a child's additional needs.
- The recommended course of action is the most cost-effective and will reduce pressure on the High Needs Block (HNB) element of the Dedicated Schools Grant (DSG) via a reduction in the number of children being required to be placed in more expensive out of county and independent provisions to meet their individual needs.
- The Council and its customers will receive the maximum benefit from the option proposed.

### **5. Report Background**

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#### Current demand for specialist places within West Northamptonshire

- 5.1 All current specialist provisions located within West Northamptonshire have reached or exceeded their notional capacity figures i.e. the total number of children and young people that should be attending any given provision.
- 5.2 As a result of this, WNC has been forced to utilise out of county and independent specialist provisions to ensure that it has been able to fulfil its statutory obligation of providing a sufficiency

of SEND places. However, demand has dictated that, with very limited exceptions, all capacity within the independent sector that are used by WNC has now been consumed.

- 5.3 The result of this increase in demand and almost total consumption of all available SEND capacity is as follows;
- A clear and immediate risk that WNC will be unable to fulfil its statutory obligations of providing a sufficiency of SEND places in the area.
  - That pupils are being forced to be maintained within an education setting that is not best placed to meet their individual needs (such as a mainstream school setting).
  - That pupils are unable to access an education setting in a timely manner and are without a school place.
- 5.4 The biggest individual drivers of the increased demand for places within a specialist setting are primary aged pupils with a primary need of Autistic Spectrum Condition (ASC) and secondary aged students with a primary need of Social, Emotional & Mental Health (SEMH).
- 5.5 Action is required to address the wider shortage of specialist places within West Northants and specifically to provide more specialist places that will cater for the needs and cohorts of pupils detailed above.
- 5.6 The placement of pupils and students with an EHC plan in an out of county or independent provision is more costly than placing a child or young person within a specialist provision in the LA maintained or academy sector and this situation is placing an increasing pressure on the High Needs Block (HNB) of the Dedicated Schools Grant (DSG).
- 5.7 The HNB of the DSG overspent by £2.5m in the 21/22 financial year and action is urgently required to address this particular issue and reduce spend against the HNB. The main method of doing this is via the provision of additional SEND places in the LA maintained and academy sector within West Northants that reduces the requirement to use places within the independent sector.
- 5.8 As of January 2020, WNC had been required to place 174 pupils in an independent specialist setting, this number of placements represents an annual pressure to the HNB of the DSG of £9.188m annually at an average cost of £56,778 per place.

#### Future demand for specialist places within West Northamptonshire

- 5.9 Pupil projection forecasts relating to the future demand for SEND places within West Northants indicate that the total number of pupils and students in receipt of an EHC Plan will increase by 521 pupils (25%) from 2,126 to 2,647 in the period between January 2020 and 2025.
- 5.10 The number of pupils in receipt of an EHC plan with a primary need of ASC is forecast to increase from 756 to 1055 pupils (299 pupils or 40%) in the same period. Pupils with a primary need of ASC will be the biggest drivers of future demand for specialist places in the period ending January 2025.

- 5.11 The provision of additional specialist places catering to pupils with a primary need of ASC will be essential in terms of WNC's future ability to fulfil its statutory obligations in respect of providing a sufficiency of SEND places within the area and to reducing pressure on the HNB of the DSG.

#### Future plans to provide additional specialist places

- 5.12 To address the current and future shortage of specialist places within West Northants, WNC has plans to deliver in excess of an additional 500 new SEND places across the area in the coming academic years.
- 5.13 WNC's 'SEND Sufficiency Strategy' can be divided into two distinct tranches. The first tranche aims to deliver up to 259 new SEND places by September 2023 and aims to address the current deficit of specialist places. The proposal to establish a 50 place SEND unit at Hunsbury Park Primary School, catering to pupils with a primary need of ASC, forms a key part of these tranche 1 works.
- 5.14 The tranche 1 works will consist of the establishment of SEND units attached to mainstream schools (such as this proposal) and extensions to existing special schools located within West Northants.
- 5.15 The planned tranche 2 works will be comprised of the delivery of a brand new, 250 place, all-through special school to serve West Northamptonshire. The aim is to deliver this new provision by September 2025 (or earlier if possible).
- 5.16 The capital funding required for the tranche 1 works will be provided entirely via capital grant allocations provided by the Department for Education (DfE) specifically for the purpose of creating new SEND places.

## **6. Issues and Choices**

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- 6.1 Do nothing: This option would result in the failure of WNC fulfilling its statutory obligation of providing a sufficiency of SEND places in West Northamptonshire. It would also result in the requirement to utilise places in increasingly distant and more expensive places within the independent sector, which would place a further strain on the HNB of the DSG. If WNC cannot demonstrate that it is able to manage its DSG allocation in a balanced position (or have plans to do so) this would result in intervention by the DfE. This option would have also prevented WNC from addressing issues relating to the timely provision of places in an appropriate setting for pupils in receipt of an EHC plan. This option was discounted for these reasons.
- 6.2 To provide the additional SEND places at another education setting: WNC officers have engaged in discussions with a significant number of area schools relating to the possible provision of additional SEND places. However, a number of important criteria must be considered and met before a setting can be considered suitable to provide SEND places;
- The setting/operator must have the relevant expertise or proven track record of delivering a successful SEND provision;
  - The setting must be willing to provide places that would meet the type of need specified by WNC;

- The capital cost of the proposed scheme must be cost effective and meet value for money considerations;
- The school must be located in or close to the areas of highest demand for SEND places (to reduce home to school transport costs);
- It must be possible to deliver new capacity at the setting by September 2022 (ideally) or September 2023 (at the latest);
- The school must have the physical space available to accommodate an increased number of pupils on its site.

6.3 Whilst WNC is looking to provide additional SEND capacity at 12 other settings as part of the tranche 1 works, the criterion identified above are limiting factors and not all settings within West Northamptonshire are suitable to provide new SEND capacity in the timeframe it is required.

6.4 To provide the additional SEND capacity at Hunsbury Park Primary School: Hunsbury Park Primary School and WNC officers have worked collaboratively to develop plans to establish a new SEND unit at the school for a significant period of time and the school meets all of the criteria detailed above. The school already successfully operates a smaller SEND unit and its Senior Leadership contains significant experience of working within specialist settings.

6.5 The greatest amount of current and future demand for SEND places in West Northants arises from Northampton town, in which the school is located. Being located to the south of the town also means the school is more accessible than other existing provisions to residents of South Northants, which will reduce home to school travel times for any pupil residing in this area that may access the provision.

6.6 It is planned that an existing area of the school buildings will be remodelled and refurbished during the Summer of 2022 to provide up to 30 new SEND places from September 2022. The remaining 20 places will be provided via the provision of a brand new and purpose built modular building that will open from September 2023. The whole scheme is anticipated to cost £1.1m or £22,000 per place created. This 'per place' cost compares very favourably with industry benchmarks of up to £80,000 per place.

6.7 Whilst it is not possible to identify the exact amount of revenue funding the school will receive for the new SEND unit until such a point that the cohort of pupils who will attend the school have been identified (as funding is linked to individual pupils) an average cost of £20,000 per pupil can be used for comparative purposes. When compared to the average cost of placing a pupil in the independent sector of £56,778, the establishment of the proposed unit at Hunsbury Park Primary School can be considered to provide a cost avoidance benefit to the HNB of the DSG of £1,103,640 in its first year of operation and £1,839,400 thereafter.

6.8 It is for the reasons stated above that the WNC seeks to establish a new SEND unit at Hunsbury Park Primary School.

## **7. Implications (including financial implications)**

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### **7.1 Resources and Financial**

- 7.1.1 The capital expenditure required for the planned tranche 1 works identified in section 5.13 of this report was approved by WNC's Cabinet in February/March 2022 at a total cost of £6.43m. As stated previously, all of the capital funding required for the tranche 1 works has (or will be provided) by the DfE via ring-fenced grant allocations. The planned works at Hunsbury Park Primary School will cost £1.1m.
- 7.1.2 The proposed scheme will provide a cost avoidance benefit to the HNB of the DSG as detailed in section 6.7 of this report. It will also provide the opportunity for any pupil that has been placed in an independent setting to return (via the EHC plan annual review process) which would further reduce the cost of the HNB of the DSG.
- 7.1.3 This proposal can be considered to be fully financed from both a capital and revenue perspective.
- 7.1.4 Hunsbury Park Primary School forms part of the Northampton PFI contract. Under the contract all capital construction works at a PFI school must be delivered via Amey, the contractor which manages the PFI contract. All necessary resources for the delivery of the planned construction works will be provided by Amey and WNC's PFI team and the scheme can be considered to be fully resourced.

## **7.2 Legal**

- 7.2.1 The manner in which any LA can establish a new SEND unit at a maintained school is defined in the DfE guidance booklet, 'Making significant changes (prescribed alterations) to maintained schools' and prescribed in the 'The School Organisation (prescribed alterations to maintained schools) Regulations 2013'. The statutory process is provided in section 7.4 of this report. WNC will fully comply with the required statutory process.

## **7.3 Risk**

- 7.3.1 There are no significant risks arising from the a decision to issue a public notice of WNC's intent to establish a new SEND unit at Hunsbury Park Primary School and to launch a four week period of consultation on the proposal.
- 7.3.2 A full exploration of the risks associated with the proposal will be provided in the report that is scheduled for July's Cabinet meeting for a final decision on this proposal, following the completion of the statutory consultation process.
- 7.3.3 There are significant risks attached to a decision not to proceed with this proposal at the current time, these risks would relate to WNC's ongoing ability to fulfil its statutory obligations of providing a sufficiency of SEND places and compromise its ability to allocate specialist school places to pupils in receipt of an EHC plan in a timely manner, from September 2022 onwards. It would also prevent the cost avoidance benefits to the HNB of the DSG identified in section 7.1.2 being realised.

## **7.4 Consultation**

- 7.4.1 The statutory process that governs school organisational changes of this nature is prescribed in the 'The School Organisation (prescribed alterations to maintained schools) Regulations 2013'.

This process and the dates on which various work streams associated with this proposal will be progressed/completed is provided below for reference.

Stage	Description	When/How?
1	Publication of statutory notice of intent to establish new SEND unit	Decision made at WNC Cabinet meeting on 3rd May 2022. Publication of statutory notice - 19th May 2022
2	Representation (formal consultation)	Statutory period of 4 weeks: 19th May - 16th June 2022
3	Decision	To be made at the WNC Cabinet meeting scheduled for 12th July 2022
4	Implementation	New SEND unit (partially) opens from 1st September 2022 (if approved)

7.4.2 Whilst the DfE guidance booklet 'Making significant changes (prescribed alterations) to maintained schools' does not specify a set of statutory consultees, WNC intends to consult with the following stakeholders;

- The Governing Body of Hunsbury Park Primary School;
- Staff at Hunsbury Park Primary School;
- Parents of Hunsbury Park Primary School;
- Local schools;
- Local Academy Trusts;
- Local Councillors;
- The local MP;
- Local Diocesan Authorities;
- Any other stakeholder as appropriate.

7.4.3 As required by the statutory process, a brief notice of how to access the full statutory notice and containing details of how to respond to the consultation on Thursday 19<sup>th</sup> May.

## 7.5 Consideration by Overview and Scrutiny

7.5.1 N/A

## 7.6 Climate Impact

7.6.1 The decision to issue a public notice of WNC's intent to establish a new SEND unit at Hunsbury Park Primary School and launch a four week period of consultation on the proposal has no related climate impact. Should the proposal be given approval to progress

## **7.8 Community Impact**

- 7.8.1 The decision to issue a public notice of WNC's intent to establish a new SEND unit at Hunsbury Park Primary School and launch a four week period of consultation on the proposal does not have a direct community impact. However, the wider proposal to establish a SEND unit at the school will have a significant positive impact on the community by allowing the timely allocation of a specialist school place in the local area.

## **7.9 Communications**

- 7.9.1 N/A

## **8. Background Papers**

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- 8.1 None.