

**REPORT OF THE LEADER OF THE COUNCIL****SPECIAL PROVISION FUND CAPITAL PLAN – FUNDING ALLOCATION****Purpose of the Report**

1. To seek Member approval to allocate £930,000 of the Department for Education (DfE) special provision capital fund for 2019-2020 to fund the creation of enhanced specialist provisions in existing Nottinghamshire mainstream publicly funded schools in three localities and two special schools hubs in existing Nottinghamshire special schools.
2. To seek Member approval to allocate £253,000 from the special provision capital fund to contribute to the costs of pupil specific adaptations to academy buildings to support access and inclusion of children and young people with special educational needs and disabilities (SEND) in a mainstream setting for 2019-2020. This is an interim measure to provide sufficient time for academies to apply for grant funding to the Education and Skills Funding Agency (ESFA) for adaptations to academy buildings in future years.
3. To seek approval for the Committee to receive update reports on the outcomes of this investment on an annual basis.

**Information**

4. The special provision capital fund is a DfE grant to support local authorities to grow and improve provision to benefit pupils with Education, Health and Care (EHC) plans. The fund can be used to create new places and improve facilities for pupils with special educational needs and disabilities at existing schools. Further information about this grant can be accessed by Members on <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans>.
5. It has become apparent that academies are finding it increasingly difficult to make often relatively minor adjustments to their buildings to allow the admissions of some children with Special Educational Needs & Disability (SEND). This is resulting in families seeking a mainstream setting being placed either in special schools or indeed in higher cost, commissioned placements. The proposal to top slice £253,000 will provide sufficient funding to enable academies to fund pupil specific adaptations to buildings for September 2019.
6. Local authorities are required to maintain and publish a SEND capital plan (available at [Special Provision Capital Grant](#)) on the Local Offer website by 25<sup>th</sup> May each year. This

year's plan is part of a three year rolling plan with all spending summarised across the three years from 2018 – 2021. The grant allocation in 2018-2019 was allocated towards costs for the Newark Orchard Special School. The plan indicates that other funding from Section 106 and Basic Need has also contributed £1,250,000 towards expanding Ash Lea Special School. Bracken Hill and Carlton Digby schools were also allocated funding from this grant to contribute towards additional specialist places in 2019-2020.

7. To secure access to this additional special provision capital fund, the Local Authority is required to consult with a wide range of stakeholders, who are identified on the DfE planning sheet. In 2018-2019, this consultation secured agreement by stakeholders to invest the funding in increasing capacity within Nottinghamshire's special school estate. The consultation for the current allocation of £1,183,000 was consulted on with stakeholders as part of the wider high needs consultation. This current consultation sought the views of stakeholders to invest in the creation of additional specialist places within Nottinghamshire's existing mainstream publicly funded schools as well as in special schools. The consultation feedback is attached as **Appendix 1** (consultation questions Q3 and Q4)
8. Local Authority senior officers are already meeting with interested Multi-Academy Trusts (MATs) and special schools who have expressed an interest in becoming one of the five additional provisions within Nottinghamshire. These provisions will focus on meeting the needs of pupils with social emotional mental health needs who would otherwise be at risk of permanent exclusion and/or placements in alternative high cost provisions, sometimes far from where they live.
9. The Schools Forum has supported the proposal that the Local Authority invests in increasing the number of specialist places in Nottinghamshire's mainstream and special schools to ensure that more SEND pupils can have their needs met as close as possible to where they live.

### **Other Options Considered**

10. Consideration was given to developing Post 16 capacity within mainstream provisions but this was not supported by either the Schools Forum or representatives from most multi academy trusts who attended the consultation events between 18 January & 15 February 2019.

### **Reason/s for Recommendation/s**

11. The County Council has a statutory duty to ensure a sufficiency of special school places across the County.

### **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public-sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

13. The £1,183,000 capital investment from the DfE ring fenced special provision capital grant is allocated as follows: for £253,000 for SEND adaptations to academy buildings and £930,000 to fund the capital costs of the three secondary mainstream enhanced provisions and two special schools hubs.

### **RECOMMENDATION/S**

That the Committee:

- 1) approves the investment of £253,000 to fund Special Educational Needs & Disability adaptations in mainstream academies
- 2) approves the investment of £930,000 to establish three enhanced provisions in mainstream settings and two special school hubs.
- 3) receives update reports on the outcomes of this investment on an annual basis.

**Councillor Mrs Kay Cutts MBE**  
**Leader of the Council**

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### **Constitutional Comments (KK 16/05/19)**

14. The proposals in this report are within the remit of the Policy Committee.

### **Financial Comments (GB 24/05/19)**

15. The £1.18m capital investment identified in this report will be funded from the £1.18m Special Provision Capital Grant that is already approved in the Children and Young People's capital programme.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Special Provision Capital Grant](#)

**Electoral Division(s) and Member(s) Affected**

All

C1245