

Report Title:	<b>NEW PROVISION FOR CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS</b>
Contains Confidential or Exempt Information?	Yes – Part II Appendix C is not for publication by virtue of paragraph 8 of Part 1 of Schedule 12A of the Local Government Act 1972
Member reporting:	Councillor Stuart Carroll, Lead Member for Adult Social Care, Children’s Services, Health and Mental Health
Meeting and Date:	Cabinet – 27 August 2020
Responsible Officer(s):	Kevin McDaniel, Director of Children’s Services
Wards affected:	All



## REPORT SUMMARY

1. This report summarises the outcome of ‘informal’ public consultation on options for new Resource Bases attached to schools at six sites in the Royal Borough. These sites were Dedworth Green First School/Dedworth Middle School; the Furze Platt Primary Federation; Hilltop First School; Homer First School; South Ascot Village Primary School and Wraysbury Primary School. The report also summarises the feasibility and cost (in Part 2) of providing the new accommodation needed at each site. The option for a Resource Base at South Ascot Village Primary School was added into the consultation following a representation from the school received during the consultation period.
2. The report recommends in principle approval of four options, providing Resourced Provision at four locations across the borough. It also recommends that formal consultation on those options should now proceed.
3. Capital funding for any new buildings will come from the Department for Education’s £1.227m Special Provision Capital Fund grant to the local authority.

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATION:** That Cabinet notes the report and:

- i) **Approves, in principle, proposals to open new Resource Bases for children with social communication difficulties and related behaviours as follows:**

### Phase 1

- **Resourced Provision at the Furze Platt Primary Federation, from September 2021.**
- **Resourced Provision at Dedworth Green First School/Dedworth Middle School, from September 2021.**

### Phase 2

- **Resourced Provision or a SEN Unit at South Ascot Village Primary School, from September 2022.**

- Resourced Provision at Wraysbury Primary School, from September 2022.
- ii) Requests that, subject to approval from the school governing bodies and academy trusts, formal consultation is carried on Phase 1 in Autumn 2020, and on Phase 2 in Summer 2021. The Windsor Learning Partnership is requested to submit an initial Business Case to the Regional Schools Commissioner, seeking the necessary approval of a significant change to an academy.
  - iii) Delegates authority to determine the proposals following formal consultation to the Director of Children Services, in conjunction with the Lead Member for Adult Social Care, Children’s Services, Health and Mental Health, subject to:
    - no substantive new issues being raised during the formal consultation period;
    - each school agreeing and signing a Memorandum of Understanding with the local authority setting out the scope of the accommodation works.
    - each school agreeing and signing a draft service level agreement setting out the expectations of both the school and the local authority in relation to the running of the Resource Base.
  - iv) Approves a budget estimate of £1.227m, and gives delegated authority to the Director of Children’s Services, in conjunction with the Lead Member for Adult Social Care, Children’s Services, Health and Mental Health, to undertake procurement and enter into contracts for the delivery of the new special educational needs detailed in this report.
  - v) Thanks the schools involved for their work on the Resource Bases, including Hilltop First School and Homer First School where proposals are not currently being taken forward.
  - vi) Approves a policy stating that there should be a presumption in favour of all new school sites in the borough having a Resource Base.

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Background

#### The Special Provision Capital Fund

- 2.1 In March 2017, the Department for Education (DfE) announced a new capital fund to:

*“help local authorities create new school places and improve existing facilities for children and young people with SEN [Special Educational Needs] and disabilities, in consultation with parents and providers.”<sup>1</sup>*

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<sup>1</sup> Page 3, [Special Provision Capital Fund Guidance](#), Department for Education, January 2019.

- 2.2 The grant to the Royal Borough of Windsor and Maidenhead is £1.227m.
- 2.3 In February 2020 Cabinet considered a report proposing public consultation on proposals to use the funding to open a number of Resource Bases for children with social communication difficulties and related behaviours. The report also approved feasibility work to provide costed options for the new accommodation.
- 2.4 This report provides an options appraisal based on the outcome of the consultation and feasibility works, and recommends a series of next steps.

Note on Resource Bases, Resourced Provision and SEN Units

- 2.5 Resource Base is a generic term for a facility attached to a school that provides additional support for children and young people with Education, Health and Care Plans (EHCPs). Resource Bases usually focus on a specific need or range of needs, and come in two types:
  - Resourced Provision. Children and young people attending this will be able to spend most of their time in mainstream classes at the school. They will spend some time receiving extra support in the provision itself.
  - SEN Unit. Children and young people attending a SEN Unit will spend more of their time in the unit, but will still attend some mainstream classes in the school.
- 2.6 In addition to two schools specifically for children with Special Educational Needs, the Royal Borough already has four schools with Resourced Provision, as set out in Table 1 below.

**Table 1: Existing SEN provision in the Royal Borough**

Provision	Type	SEND need	Age	Places
Manor Green School	School	Complex, profound multiple learning difficulties	2-19	300
Forest Bridge		Autistic Spectrum Disorder	4-16	96
Charters School	Resourced Provision	Physical Disability	11-19	10
Furze Platt Senior School		Autistic Spectrum Disorder	11-19	17
Riverside Primary School		Speech/Language	3-11	14
Wessex Primary School		Hearing Impaired	3-11	14

The proposals

- 2.7 The proposed Resource Bases are for children of primary, first and middle school age who have EHCPs and social communication difficulties and related behaviours. Their EHCPs are likely to be for Autism and/or Social, Emotional and Mental Health (SEMH). The children will be capable of attending and benefiting from mainstream classes in schools, but will still need the support that can be provided by the Resource Base.
- 2.8 The report to Cabinet in February 2020 noted that there is no specific provision of this type and for this age group in the borough, despite it being an area of growing demand. Thus, the new Resource Bases would:

- help to meet the needs of a growing population;
- provide more provision for children with an ASD and/or SEMH EHCP who would benefit from attending a mainstream school at a location closer to their home; and
- reduce the number of ASD and SEMH children at Manor Green, freeing up places for the school's primary purpose, which is educating children and young people with more complex, profound multiple learning difficulties.

2.9 Five sites for the new Resource Bases were proposed, with the intention to open the new facilities in September 2021:

- The Dedworth campus in Windsor (for Resourced Provision).
- Furze Platt Primary Federation (for Resourced Provision)
- Hilltop First School in Windsor (for Resourced Provision or SEN Unit).
- Homer First School in Windsor (for Resourced Provision).
- Wraysbury Primary School in Wraysbury (for Resourced Provision).

2.10 A sixth site was proposed during the consultation period, for either Resourced Provision or a SEN Unit at South Ascot Village Primary School in Ascot.

#### Informal consultation

2.11 Paragraph 4.1 in Section 4 sets out the details of the consultation and decision making process required by legislation for this type of proposal. The first step is 'informal consultation'. Although approval to carry this out was given by Cabinet in February, it was significantly delayed by the Covid-19 crisis, and did not start until June. More details about the consultation process is given in Section 8; the consultation document is provided at Appendix A; and the full details of the consultation outcome are given in Appendix B.

2.12 The consultation was amended in early July to include the new option for a Resource Base at South Ascot Village Primary School, with an extended deadline for submitting responses.

2.13 In summary, the outcome of the consultation is extremely positive, as shown in Table 2.

**Table 2: Consultation response – principle of new Resource Bases**

<b>Do you agree that the Royal Borough of Windsor and Maidenhead should open new Resourced Provision and/or SEN Units for children with social communication difficulties and related behaviours?</b>		
<b>Answer</b>	<b>Responses (No.)</b>	<b>Responses (%)</b>
<b>Yes</b>	<b>377</b>	<b>94</b>
<b>No</b>	<b>11</b>	<b>3</b>
<b>Don't know</b>	<b>7</b>	<b>2</b>
<b>No view</b>	<b>5</b>	<b>1</b>
<b>Total</b>	<b>400</b>	<b>100</b>

2.14 Responses were received from 125 parents/carers of children with EHCPs. 117 (94%) were in favour of new Resource Bases being opened in the borough.

- 2.15 Respondents were given the opportunity to comment on their answers, with the following main points being raised. The numbers in brackets indicate the number of respondents who made this point in their comments:
- proposals will improve provision on offer for children locally, and increase choice (28).
  - the borough needs to improve on current poor support for children with special educational needs (25).
  - Resource Bases will improve educational outcomes for SEN children (19).
  - Resource Bases will promote better inclusion of SEN children (16).
  - the proposals will benefit the respondents own child or children, or would have done if it had been available in the past (15).
  - agree there is a growing demand for this type of provision (12).
  - too many of the options are for Resource Bases in Windsor (7).
  - staff at a school with an Resource Base will need proper training (6).
  - all schools should have a Resource Base (5).
  - The remit of the Resource Bases needs to be widened to cover other special educational needs (5).
- 2.16 Many more comments were made in relation to this question, and these are summarised of page 2 of Appendix B, and available to view in full on pages 9 to 22 of Appendix B.
- 2.17 The consultation then asked respondents to give their views on the individual site proposals, as summarised in Table 3. Note that Hilltop First School and South Ascot Village Primary School appear in the table twice, as they were both open to considering Resourced Provision or an SEN Unit. There are fewer overall responses in relation to the South Ascot Village Primary School, as this option was added in late.

**Table 3: Consultation response – views on specific options**

<b>Do you agree that the Royal Borough should open new Resource Bases at the following schools?</b>					
<b>Site</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>	<b>No view</b>	<b>Did not complete this question</b>
<b>Dedworth Campus</b> Resourced Provision	<b>184</b> 46%	<b>36</b> 9%	<b>54</b> 14%	<b>106</b> 26%	<b>20</b> 5%
<b>Furze Platt Primary Federation</b> Resourced Provision	<b>202</b> 50%	<b>36</b> 9%	<b>54</b> 14%	<b>88</b> 22%	<b>20</b> 5%
<b>Hilltop First School</b> Resourced Provision	<b>148</b> 37%	<b>44</b> 11%	<b>74</b> 18%	<b>114</b> 28%	<b>20</b> 5%
<b>Hilltop First School</b> SEN Unit	<b>178</b> 44%	<b>30</b> 8%	<b>68</b> 17%	<b>104</b> 26%	<b>20</b> 5%
<b>Homer First School</b> Resourced Provision	<b>131</b> 33%	<b>44</b> 11%	<b>81</b> 20%	<b>124</b> 31%	<b>20</b> 5%
<b>South Ascot Village Primary</b> Resourced Provision	<b>86</b> 22%	<b>14</b> 4%	<b>21</b> 5%	<b>48</b> 11%	<b>234</b> 58%
<b>South Ascot Village Primary</b> SEN Unit	<b>89</b> 22%	<b>11</b> 3%	<b>21</b> 5%	<b>45</b> 11%	<b>234</b> 58%
<b>Wraysbury Primary School</b> Resourced Provision	<b>158</b> 40%	<b>33</b> 8%	<b>74</b> 18%	<b>115</b> 29%	<b>20</b> 5%

- 2.18 The inclusion of the sixth option partway through this consultation has meant that many respondents have not submitted their opinion on all six options. These are shown in the 'did not complete this question' column.
- 2.19 There is a high level of uncertainty in relation to the specific proposals, with many respondents unable or unwilling to comment on schools that they may have no direct experience of. The level of responses against each specific proposal is, however, very low. Table 4 sets out the percentages for and against each option, with 'Don't know', 'No view' and 'Did not complete' removed.

**Table 4: Consultation response – % specifically for/against each option**

<b>Do you agree that the Royal Borough should open new Resource Bases at the following schools?</b>		
<b>Site</b>	<b>Yes</b>	<b>No</b>
<b>Dedworth Campus</b> Resourced Provision	<b>84%</b>	<b>16%</b>
<b>Furze Platt Primary Federation</b> Resourced Provision	<b>85%</b>	<b>15%</b>
<b>Hilltop First School</b> Resourced Provision	<b>77%</b>	<b>23%</b>
<b>Hilltop First School</b> SEN Unit	<b>86%</b>	<b>14%</b>
<b>Homer First School</b> Resourced Provision	<b>75%</b>	<b>25%</b>
<b>South Ascot Village Primary</b> Resourced Provision	<b>86%</b>	<b>14%</b>
<b>South Ascot Village Primary</b> SEN Unit	<b>89%</b>	<b>11%</b>
<b>Wraysbury Primary School</b> Resourced Provision	<b>83%</b>	<b>17%</b>

- 2.20 Excluding 'Don't know' and 'No view', there is a very high level of support for all the options.
- 2.21 Appendix B also gives a breakdown of the responses from each of the school communities (parents, staff and governors) at which a new Resource Base is proposed. Although relatively few responses have been received from each school, in most cases the large majority of those who did respond were in favour of Resource Bases at their school. The exception is Homer First School, where there was only slightly more for the proposal (5) than against (4).
- 2.22 Respondents were given the opportunity to comment on their answers in relation to the specific proposals. The numbers in brackets indicate the number of respondents who made this point in their comments:
- important to have a good geographical spread of Resource Bases (21).
  - Ascot should have a Resource Base (12).
  - having new Resource Bases will reduce home to school travel times (10).
  - all schools should have a Resource Base (8).
  - Wraysbury Primary School has a good track record in meeting the needs of SEN children (5).

- Maidenhead should have a Resource Base (5).
- Hilltop First School has a good track record in meeting the needs of SEN children (5).
- there should be more Resource Bases for secondary and upper schools (4).
- what happens when a child moves on from a Resource Base at a first school? (4).
- a Resource Base at the Furze Platt Primary Federation will complement the provision already available at SHINE, at Furze Platt Senior School (4).

2.23 Many more comments were made in relation to this question, and these are summarised on page 2 of Appendix B, and available to view in full on pages 23 to 33 of Appendix B.

#### Feasibility works on new accommodation

2.24 Resource Bases have their own accommodation, where children and young people attending the facility can receive additional support. The needs of Resourced Provision and SEN Units are different, as set out in government guidance Building Bulletin 104 and summarised below:

#### SEN Unit

- 55m<sup>2</sup> teaching space (equivalent to one full sized classroom).
- 12m<sup>2</sup> dining, social and learning resource.
- 4m<sup>2</sup> admin and storage.
- 19m<sup>2</sup> float (space to be allocated as per the specific needs of that unit).
- 35m<sup>2</sup> toilets and circulation.
- 125m<sup>2</sup> in total.

#### Resourced Provision

- 16m<sup>2</sup> dining, social and learning resource.
- 4m<sup>2</sup> admin and storage.
- 16m<sup>2</sup> float (space to be allocated as per the specific needs of that provision).
- 14m<sup>2</sup> toilets and circulation.
- 50m<sup>2</sup> in total.

2.25 Feasibility works were carried out by the borough, in partnership with HLM Architects, to explore and cost options for providing the new accommodation, whilst also taking account of any future school place expansions required. These options have been developed in partnership with the schools.

2.26 In summary, deliverable options have been identified at all six sites. In most cases the options involve remodelling of existing accommodation, sometimes with small extensions. A number of the options involve new standalone blocks, although not as preferred options. Appendix C provides a summary of these options. As this includes estimated costings, Appendix C is a Part 2 item. It is important to note that, once tendered, the costs may change.

#### Options appraisal

2.27 Appendix D provides an options appraisal of the proposals at the six sites, considering consultation outcome, Ofsted ratings, location and local need, capital cost and practicality of deliverability. There are no concerns about the ability of any of the schools to deliver and run a Resource Base. Affordability

in both capital and revenue terms means that four options can currently be taken forward at this time. In short, these options provide the best mix of:

- geographical distribution across the borough, improving accessibility for local residents and reducing home to school transport times and costs.
- minimised transition points for children attending the bases. This was particularly a concern in relation to the two first school sites, Hilltop and Homer, where pupils would move on from the Resource Base at a particularly young age (at the end of Year 4). These children would still be too young to attend SHINE in Maidenhead and would not necessarily be ready to move into mainstream school without the support of a Resource Base.

2.28 This report recommends that, due to issues around the transition at the end of Year 4, the two first school options are not taken forward at this point. The need for further Resource Bases, potentially serving other special educational needs, will be kept under review.

2.29 The four remaining schemes are, on the basis of the estimated costs provided in Appendix C, affordable within the £1.227m Special Provision Capital Grant.

#### Recommending a phased programme

2.30 This report recommends that four options are approved in principle, creating a programme with two phases. Resourced Provision at the Dedworth Campus and the Furze Platt Primary Federation would form part of Phase 1, with an intended opening date of September 2021. Phase 2, opening in September 2022, would consist of Resourced Provision at Wraysbury Primary School and either a SEN Unit or Resourced Provision at South Ascot Village Primary School.

2.31 This phasing will ensure that there is capacity to develop and deliver the new Resource Bases over two years. It will reduce the risks to the revenue budget, by allowing the borough to adjust the proposals if uptake for the Resource Bases is less than expected (see paragraphs 3.13 to 3.20 in Section 3 for more detail). Finally, it will provide time to consider whether the Resource Base at South Ascot Village Primary School should be Resourced Provision or a SEN Unit.

#### Next steps

2.32 The Governing Bodies and the Academy Trusts involved have not had the opportunity to fully consider the outcome of the consultation or the feasibility studies, given that both were only completed on 31<sup>st</sup> July 2020. This report proposes, therefore, that Cabinet approval of these schemes is subject to approval by the relevant Governing Bodies and Academy Trusts.

2.33 This will allow formal consultation on the Phase 1 proposals to proceed in Autumn 2020, in line with government legislation. The Royal Borough will then need to formally consider whether the proposals should go ahead. It is proposed that this decision is delegated to the Director for Children's Services, in conjunction with the Lead Member for Adult Social Care, Children Services, Health and Mental Health. This will be subject to:

- No substantive new issues being raised during the formal consultation period. If any are, then the proposals will need to come back to Cabinet for approval.
- All parties at each school agreeing and signing a Memorandum of Understanding (MOU) setting out the scope of the new accommodation to be provided for the Resource Base.
- All parties agreeing to draft service level agreement setting out the expectations of both the school and the local authority in relation to the running of the Resource Base.

2.34 For the Dedworth Campus proposal, the process is slightly different as both schools are academies, and part of the Windsor Learning Partnership (WLP). The WLP will need to submit a Business Case to the Regional Schools Commissioner to get final approval. As, however, the Royal Borough controls the funding, the WLP will still need to agree the MOU and draft service level agreement before the budget is committed to the scheme.

2.35 In Autumn 2020, the Royal Borough will start working with schools on setting up the new Resource Bases.

2.36 The process will then be repeated, starting in Summer 2021, for the Phase 2 proposals.

#### Additional proposals if needed

2.37 It is proposed that £50k from the Special Provision Capital Fund is set aside for minor works to assist with the delivery of early assessment places in schools, if changes to school revenue are agreed by the Schools Forum. This will still leave enough funding for the four proposed Resource Bases.

#### Resource Bases at new school

2.38 Officers have had discussions about Resource Bases in other local authority areas and at least one authority has a policy of requiring all new schools to have an attached Resource Base. Given the relatively low impact on space requirements, and the advantages of Resource Bases at a time of growing EHCP numbers, this report proposes that there should be a presumption in favour of all new schools in the borough having such a facility. The draft Borough Local Plan currently identifies four sites for new mainstream schools.

## **Options**

**Table 5: Options arising from this report.**

<b>Option</b>	<b>Comments</b>
<p>Approves, in principle, proposals to open new Resource Bases for children with social communication difficulties and related behaviours as follows:</p> <p><u>Phase 1</u></p> <ul style="list-style-type: none"> <li>• Resourced Provision at the Furze Platt Primary Federation, from Sept. 2021.</li> </ul>	<p>The selected proposals are in line with the outcome of the options appraisal. These are considered to be the best options for Resource Bases, which in turn will improve the provision locally for children with EHCPs and social communication difficulties and related behaviours.</p> <p>The phasing of the programme will be more manageable, and reduce</p>

Option	Comments
<ul style="list-style-type: none"> <li>• Resourced Provision at Dedworth Green First School/Dedworth Middle School, from Sept. 2021. <u>Phase 2</u></li> <li>• Resourced Provision at South Ascot Village Primary School, from Sept. 2022.</li> <li>• Resourced Provision at Wraysbury Primary School, from Sept. 2022.</li> </ul> <p><b>Recommended.</b></p>	<p>any risks around impact on the revenue budget.</p>
<p>Requests that, subject to approval from the school governing bodies and academy trusts, formal consultation is carried on Phase 1 in Autumn 2020, and on Phase 2 in Summer 2021. The Windsor Learning Partnership is requested to submit an initial Business Case to the Regional Schools Commissioner, seeking the necessary approval of a significant change to an academy.</p> <p><b>Recommended.</b></p>	<p>These steps, formal consultation and, in the case of the proposals at Dedworth Green and Dedworth Middle School, submission of a Business Case to the Regional Schools Commissioner are legally required to enable the proposals to move proceed. If this recommendation is not approved, no Resources Bases can be opened.</p>
<p>Delegates authority to determine the proposals following formal consultation to the Director of Children's Services, in conjunction with the Lead Member for Adult Social Care, Children's Services, Health and Mental Health, subject to:</p> <ul style="list-style-type: none"> <li>• no substantive new issues being raised during the formal consultation period;</li> <li>• each school agreeing and signing a Memorandum of Understanding (MOU) with the local authority setting out the scope of the accommodation works.</li> <li>• each school agreeing and signing a draft service level agreement setting out the expectations of both the school and the local authority in relation to the running of the Resource Base.</li> </ul> <p><b>Recommended.</b></p>	<p>Delegation to the Director, in conjunction with the Lead Member, allows the proposals to be approved (or otherwise) without returning to Cabinet after the formal consultation period. If substantive new objections are received during this period then the issue will be returned to Cabinet for consideration.</p> <p>Requiring an MOU to be signed by all parties in relation to the accommodation to be provided ensures that there is agreement on the scope of each project, before they are finally approved. Similarly, the service level agreement provides an agreement in relation to the running of the Resource Bases.</p>
<p>Approves a budget estimate of £1.227m, and gives delegated authority to the Director of Children's Services, in conjunction with the Lead Member for Adult Social Care, Children's Services, Health and Mental Health, to undertake</p>	<p>This will allow the procurement of the new buildings to proceed.</p>

Option	Comments
<p>procurement and enter into contracts for the delivery of the new special educational needs detailed in this report.</p> <p><b>Recommended.</b></p>	
<p>Thanks the schools involved for their work on the Resource Bases, including Hilltop First School and Homer First School where proposals are not currently being taken forward.</p> <p><b>Recommended</b></p>	<p>All of the schools involved have worked hard on these proposals, and we are very grateful for their support.</p>
<p>Approves a policy stating that there should be a presumption in favour of all new school sites in the borough having a Resource Base.</p> <p><b>Recommended.</b></p>	<p>Creating a presumption in favour of Resource Bases at new schools will ensure that these facilities are considered and planned for when new schools are built. A presumption in favour will still enable a Resource Base to be rejected if there is sufficient reason.</p>
<p>Do nothing</p> <p><b>Not recommended.</b></p>	<p>This would mean that the £1.227m grant would not be spent, and no improvements to special educational needs education would be made.</p>

## vii) KEY IMPLICATIONS

**Table 6: Key Implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
<p>More children with EHCPs have their needs met in local provision.</p>	<p>&lt;20 local resident children attend two Resourced Provisions</p>	<p>20 local resident children attend two Resourced Provisions</p>	<p>n/a</p>	<p>n/a</p>	<p>1<sup>st</sup> April 2022</p>
	<p>&lt;40 local resident children attend four Resourced Provisions</p>	<p>40 local resident children attend four Resourced Provisions</p>	<p>n/a</p>	<p>n/a</p>	<p>1<sup>st</sup> April 2023</p>

### 3. FINANCIAL DETAILS / VALUE FOR MONEY

**Table 6: Financial Impact of report's recommendations on:**

**(a) 'LA block' revenue**

<b>REVENUE COSTS</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

**(b) 'High Needs' block**

<b>REVENUE COSTS</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Additional total	£0	<b>£133,000</b>	<b>£373,000</b>
Reduction	£0	<b>£133,000</b>	<b>£373,000</b>
Net Impact	£0	£0	£0

- 3.1 There is more detail about the revenue costs in paragraphs 3.13 to 3.20. Resource Bases do have implications for revenue funding but, if correctly managed these should not have a negative impact. All revenue costs will be met from within the High Needs Block of the Dedicated Schools Grant, and not from with the LA Block.

<b>CAPITAL COSTS</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Additional total	£500,000	£727,000	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

**Capital funding**

- 3.2 The Royal Borough's original Special Provision Capital Fund allocation was for £722,722, in three equal instalments of £240,924 in the 2018/19, 2019/20 and 2020/21 financial years. That has since been topped up with an additional £504,259, paid in summer 2019, bringing the total to £1.227m.
- 3.3 The DfE required local authorities to publish their plans for spending the grant, with the following stipulations:
- they should demonstrate how the full allocation will be spent;
  - local authorities will have consulted with parents and providers;
  - the DfE template (which requires costed proposals) must be used; and
  - it must be published on the borough's Local Offer pages.
- 3.4 The Royal Borough's draft plan has been published<sup>2</sup>, and the 2019/20 funding released. The requirement to update the plan for 2020 has been dropped as part of the government response to the Covid-19 crisis.
- 3.5 Appendix C sets out the estimated costs of the proposed options and shows that these are expected to be affordable within the £1.227m grant.
- 3.6 It is proposed that a further £50k from the Special Provision Capital Fund is set aside for minor works to assist with the delivery of early assessment places in schools.

<sup>2</sup> Capital Strategy, [Local Area SEND Policies and Plans](#), AfC, May 2019.

- 3.7 The capital costs identified in Table 6 will be profiled this Autumn, probably across the three financial years 2020/21, 2021/22 and 2022/23, as the borough moves to procure the schemes.

### **Revenue funding for new SEN Units and/or Resourced Provision**

#### Impact of the revenue funding of a school

- 3.8 Schools with a SEN Unit or Resourced Provision receive additional revenue funding to reflect the higher costs of educating children and young people with EHCPs. The funding for pupils attending a unit or provision is, therefore, comprised of a number of elements (the figures relate to one financial year):
- Element 1: This is the AWPU (Age Weighted Pupil Unit). All schools get funding for each pupil at the school as part of the school's delegated funding. This is currently £3,017.36 for a primary school and £4,243.53 for the KS3 years in a middle school. Schools also receive other pupil led elements in the formula (e.g. funding for pupils with free school meals, deprivation, English as an Additional Language).
  - Element 2: £6,000 for each pupil in the unit or provision, or £10,000 for each unfilled place in the unit or provision.
  - Element 3: Since September 2019, top-up funding for all new EHCP children at any academy, aided, community, or controlled school in the borough has been based on a matrix that considers the child's individual needs<sup>3</sup>. The top-up funding is between £2k and £25k per child, and will be reviewed annually as part of the child's annual EHCP review. It is assumed that, on average, the top-up for a child in Resourced Provision will be around £6,000. For a child in an SEN Unit, the average top-up may be closer to £8,000.
- 3.9 It is important to note that some of the pupils attending the unit or provision may be included within the usual number of children educated at the school. This is because the School Admissions Code does not allow for places to be set aside specifically for pupils in the unit or provision. At first entry to school (e.g. for a Reception school place), children with an EHCP naming a school are given places ahead of all other applicants. For admissions outside the normal intake year, a child whose EHCP names the school will be admitted, even if the school is full in that specific year group. If the year group is an infant year group, the child is treated as an 'excepted' child for the purposes of the infant class size legislation, so that the limit of 30 children per teacher is not breached.
- 3.10 A (full) one form entry primary school with 210 pupils, therefore, could expect to have somewhere between 210 and 220 pupils after opening a Resource Base. Up to ten of these would be attending the new facility. Some year groups might have additional pupils, where a child with an EHCP naming the school has been admitted.
- 3.11 The £10,000 funding for unfilled places in the unit or provision reflects the need to maintain the staffing of the facility even when it is not full. Place

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<sup>3</sup> Note, this change does not affect EHCP children *currently* attending Resourced Units, who will continue to be funded as per the existing top-up arrangements.

funding levels are agreed annually for each financial year, for each unit or provision.

- 3.12 The children attending a SEN Unit or Resourced Provision are excluded from the Targeted SEN in-year funding for schools.

Impact on the borough's revenue funding

- 3.13 Funding for pupils with EHCPs comes from the government via the High Needs Block (HNB). Providing new school places for children and young people with EHCPs does not, in itself, lead to additional funding from the government via the HNB. This is because the HNB is allocated on a formulaic basis, taking account of the 2-18 population and the historic number of agreed places for children with EHCPs, as well as data on deprivation, health and other measures.
- 3.14 Revenue for the new units or provision would, therefore, need to come from within the existing HNB, which is already under pressure. The cost to the HNB of running a Resource Base will come from Elements 2 and 3 referred to in paragraph 3.8 above, as set out in Tables 7 (Resourced Provision) and 8 (SEN Unit).

**Table 7: revenue costs to be funded by High Needs Block (per annum)**

<b>Resourced Provision</b>		
<b>Pupil costs</b>	<b>Per full place</b>	<b>Per empty place</b>
Element 2:	£6,000	£10,000
Element 3 (top-up):	(expected average): £6,000	
<b>Total per pupil:</b>	<b>£12,000</b>	<b>£10,000</b>

<b>Estimated cost of Resourced Provision with ten places to HNB:</b>		
<b>Number of:</b>		<b>Cost</b>
<b>full places</b>	<b>empty places</b>	
10	0	£120,000
5	5	£110,000
0	10	£100,000

**Table 8: revenue costs to be funded by High Needs Block (per annum)**

<b>SEN Unit</b>		
<b>Pupil costs</b>	<b>Per full place</b>	<b>Per empty place</b>
Element 2:	£6,000	£10,000
Element 3 (top-up):	(expected average): £8,000	
<b>Total per pupil:</b>	<b>£14,000</b>	<b>£10,000</b>

<b>Estimated cost of SEN Unit with ten places to HNB:</b>		
<b>Number of:</b>		<b>Cost</b>
<b>full places</b>	<b>empty places</b>	
10	0	£140,000
5	5	£120,000
0	10	£100,000

- 3.15 Based on the recommendations to proceed with four new Resourced Provisions, phased over two years, the nominal cost to the High Needs Budget would be as set out in Table 9. In the first year of opening, the revenue costs of any new Resource Base will be 7/12ths of the annual cost, assuming an

opening in September. These figures assume each new facility is only partially full in its first year of opening (three empty places).

- 3.16 If a decision is taken to open a SEN Unit at South Ascot Village Primary School instead of Resourced Provision, these costs will be £20,000 higher in 2023/24.

**Table 9: Gross (HNB) revenue costs of Resource Bases by financial year**

<b>Proposal</b>	<b>2020/21</b>	<b>Phase 1 2021/22</b>	<b>Phase 2 2022/23</b>	<b>2023/24</b>
<b>Furze Platt Federation Resourced Provision</b>	<b>£0</b>	<b>£66,500</b>	<b>£120,000</b>	<b>£120,000</b>
<b>Dedworth Campus Resourced Provision</b>	<b>£0</b>	<b>£66,500</b>	<b>£120,000</b>	<b>£120,000</b>
<b>South Ascot Village Primary Resourced Provision</b>	<b>£0</b>	<b>£0</b>	<b>£66,500</b>	<b>£120,000</b>
<b>Wraysbury Primary Resourced Provision</b>	<b>£0</b>	<b>£0</b>	<b>£66,500</b>	<b>£120,000</b>
<b>Total</b>	<b>£0</b>	<b>£133,000</b>	<b>£373,000</b>	<b>£480,000</b>

- 3.17 Most, if not all, of the children attending the proposed Resource Bases will, however, either already be funded by, or be a future cost to, the High Needs Block. For the most part, therefore, the costs identified in Table 9 are ones the borough would already expect. Extra revenue costs will arise, however, if (i) places in Resource Bases are not filled; and/or (ii) places are filled by out-borough children.
- 3.18 To address these risks it is proposed that the opening of new Resource Bases is phased over two years. If take-up is less than projected, the second phase can then be delayed, reducing the risk of any empty places. In addition, the long lead-in period until opening means there is an opportunity to plan how the places will be used, further minimising the risk of empty places. If these proposals go forward, therefore, officers will need to work with families and schools to identify pupils who would benefit from the new provision as soon as possible. This approach will also help ensure that places are prioritised for local residents.
- 3.19 Over the longer term, it is also hoped that the proposals help manage future costs by:
- reducing the amount of top-up/element 3 funding paid, as, in future, borough residents who would otherwise attend more expensive placements (at Manor Green, Forest Bridge or at independent/out-borough places) could attend more appropriate local settings.
  - reducing the associated home to school transport costs.
  - freeing up future places at Manor Green and Forest Bridge for pupils with even more complex needs, who currently have to attend more expensive independent/out-borough schools (with the associated home to school transport costs).
  - reducing tribunal costs, as the borough would be able to provide appropriate places in local mainstream schools, which is more likely to be in line with parental wishes.

- 3.20 The candidates for spaces freed up at Manor Green and Forest Bridge will also need to be identified, in order to realise the maximum benefits for families (bringing pupils and young people closer to home) and for the revenue budget (less costly provision).

## **4. LEGAL IMPLICATIONS**

### **Provision of new Resourced Provision**

#### Community, Voluntary Controlled and Voluntary Aided schools

- 4.1 The creation of Resourced Provision at a community, controlled or aided school requires that the local authority follows a statutory process, as set out in regulations and guidance. This process involves:

- informal consultation. This has been carried out for the original options (see Section 8), with the consultation extended to include an additional option that arose during the consultation period. The informal consultation period is not statutory, although there is a strong expectation that it should be carried out.
- publication of proposals (the 'statutory notice').
- 4 week formal representation period, proposed to start in mid-September 2020.
- decision by the local authority, to be made within two months of the end of the representation period.
- implementation. This is currently proposed for 1<sup>st</sup> September 2021 for Phase 1, and 1<sup>st</sup> September 2022 for Phase 2.

#### Academy schools, including free schools

- 4.2 Adding Resourced Provision at an academy requires that the trust submits a full Business Case to the ESFA for approval. The process involves:

- notifying the ESFA at least three months before the proposed change.
- carrying out public consultation. This has been carried out as part of the borough consultation (see Section 8).
- completing the full Business Case and submitting it to the ESFA.
- decision by the Regional Schools Commissioner (RSC).

- 4.3 Submission of the Business Case to the ESFA requires that planning permission for the new build has been obtained. This introduces a potential delay into the process that will need to be managed. In addition, recent experience with school expansions suggests that RSC decisions can take eight to ten months. In the case of expansions, however, an academy can still raise its PAN, or admit above it, whilst waiting for RSC approval. It is not clear that this option is available in the case of a Resource Base, opening the potential for significant delay.

- 4.4 Planning Permission would be required for any extensions or new build.

## 5. RISK MANAGEMENT

**Table 8: Risk Management**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
RSC decision takes too long, delaying delivery of the Resource Base at Dedworth Green and Dedworth Middle Schools.	High	The Windsor Learning Partnership should submit a draft Business Case to the RSC, without the planning permission (if required), which may help speed up the process.	High
Construction of the Resourced Provision exceeds the available budget.	High	Estimated costs have been provided for each option, and an additional contingency identified. Phasing of the programme will also allow overall costs to be controlled by dropping a Phase 2 scheme if Phase 1 costs exceed the budget.	Low
Opening of the Resource Bases leads to additional revenue cost pressures on the High Needs Budget.	Medium	This risk arises if places at the Resource Bases are left unfilled or are taken by out-borough pupils. A phased approach to opening will allow the borough to delay parts of the programme if demand is too low. Early identification of pupils appropriate for the Resource Bases will ensure that borough residents are prioritised.	Low

## 6. POTENTIAL IMPACTS

- 6.1 **Equalities:** An Equalities Impact Assessment (EqIA) is attached at Appendix E.
- 6.2 **Climate change/sustainability:** The government is placing increasing importance on the sustainability of school buildings. The borough already meets high carbon reduction targets in its new school buildings, and officers will be looking at how to minimise environmental impact with these building schemes. Providing more local provision for children with social communication difficulties and related behaviours should also reduce home to school travel times and, therefore, transport related carbon emissions.

- 6.3 **Data protection/GDPR:** Any personal data received by the council as part of the formal consultations will be processed in accordance with the requirements of the Data Protection Act 2018.

## 7. CONSULTATION

- 7.1 Informal public consultation on the proposals for new Resource Bases in the borough was originally planned for March and April 2020, but was substantially delayed by the impact of the Covid-19 crisis.
- 7.2 The consultation eventually started on Thursday 4<sup>th</sup> June 2020, finishing on Friday 17<sup>th</sup> July, running for just over six weeks. A consultation document (Appendix A – New provision for children with special educational needs) was produced in consultation with the involved schools. This was distributed, largely electronically, to parents, staff, governors and other interested parties as set out in Table 8 below. All borough schools were asked to use their electronic parent messaging services to send the consultation weblink to their parents. A small number of printed copies of the document were sent to schools who had parents with no access to the internet. An email with the consultation link was also sent direct to 492 parents/carers of borough children with EHCPs.
- 7.3 The consultation was available on the Achieving for Children website, linked from the Royal Borough website, together with an online (SmartSurvey) response form. The consultation was also referred to in two Resident Newsletters.

**Table 9: Summary of consultation document distribution**

Who	Where	Number distributed
Parents/carers	All borough schools	15,202*
Staff and governors	All borough schools	Unknown
All Headteachers	All borough schools	66
All councillors	The Royal Borough	41
Local independent schools	All borough independent schools	20
Local authorities	Bracknell Forest, Buckinghamshire, Hillingdon, Reading, Slough, Surrey, Wokingham	7
Parish Councils	All borough parish councils	8
Representatives	Unions and Professional Associations	9
Local SEND groups	Autism Berkshire, Caring for Carers, PACIP, Parenting Special Children, SENDIASS, WAM Get Involved, Windsor Mencap	7
<b>TOTAL</b>		<b>15,360</b>

\*Number of family units, i.e. counting siblings as one unit.

- 7.4 PACIP (Parents and Carers in Partnership) also arranged an hour long, online, question and answer session with some of their members, which was attended by one parent, in addition to PACIP members.
- 7.5 400 responses were received, mostly via the online survey form. This represents a response rate of 2.6%. This is a little below the 3% response rate sought, but still gives a robust indication of views on the proposals. Attempts were made to boost the response rate, e.g. by asking schools to

email reminders to parents and by ‘retweeting’ the consultation link on borough and councillor twitter feeds.

- 7.6 More details about the outcome of the consultation are given at *Appendix B: Summary of responses to consultation*.

## 8. TIMETABLE FOR IMPLEMENTATION

**Table 10: Timetable for implementation**

<b>Date</b>	<b>Details</b>
September 2020	Governing Bodies and academy trusts of approved schools formally confirm their wish to proceed.
October 2020	Schools and the local authority draw up Memorandums of Understanding and draft service level agreement for the Resource Bases
October 2020	Formal consultation on the approved Phase 1 proposals starts.
October 2020	Business Case for the Dedworth Campus proposal is submitted to the DfE on behalf of the Windsor Learning Partnership
October 2020	Design and procurement work on the proposals begins.
November 2020	Formal consultation on the approved Phase 1 proposals finishes, and the Royal Borough ‘determines’ the proposals.
May 2021	Formal consultation on the approved Phase 1 proposals starts.
June 2021	Formal consultation on the approved Phase 2 proposals finishes, and the Royal Borough ‘determines’ the proposals.
September 2021	Phase 1 Resource Bases open
September 2022	Phase 2 Resource Bases open

- 8.1 Implementation date if not called in: ‘Immediately’;

## 9. APPENDICES

### Electronic only

- Appendix A: Consultation document, including supplementary pages.
- Appendix B: Consultation analysis and comments made.
- Appendix C: Resource Bases feasibility studies summary (Part 2)
- Appendix E: Equalities Impact Assessment (EqIA)

### Paper

- Appendix D: Options appraisal

## 10. BACKGROUND DOCUMENTS

- [Special Provision Capital Fund Guidance](#), DfE, January 2019.
- [Special provision fund: Allocations for local authorities from 2018-19 to 2020-21](#), DfE, January 2019.

- [Making significant changes \('prescribed alterations'\) to maintained schools](#), DfE, October 2018.
- [Making significant changes to an open academy and closure by mutual agreement](#), DfE, October 2018.

## 11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr S Carroll	Lead Member for Adult Social Care, Children's Services, Health and Mental Health.	31/07/2020	07/08/2020
Duncan Sharkey	Managing Director	22/07/2020	03/08/2020
Russell O'Keefe	Director of Place	22/07/2020	
Adele Taylor	Director of Resources/S151 Officer	22/07/2020	
Kevin McDaniel	Director of Children's Services	22/07/2020	24/07/2020
Hilary Hall	Director Adults, Commissioning and Health	22/07/2020	27/07/2020
Andrew Vallance	Head of Finance	22/07/2020	
Elaine Browne	Head of Law	22/07/2020	27/07/2020
Mary Severin	Monitoring Officer	22/07/2020	
Nikki Craig	Head of HR, Corporate Projects and IT	22/07/2020	
Louisa Dean	Communications	22/07/2020	
Karen Shepherd	Head of Governance	22/07/2020	27/07/2020

## REPORT HISTORY

<b>Decision type:</b> Key decision	<b>Urgency item?</b> No	<b>To follow?</b> No
Report Author: Ben Wright, School Places and Capital Team Leader, 01628 796572		



Proposal	% in favour	Ofsted	Location	Need as at April 2020	Transition	SEN Impact	Accommodation options	Cost	Conclusion
<b>Homer First School</b> Resourced Provision	Overall: 75% From the school: 56%	Good (February 2017 Short Inspection)	Located in Windsor, which currently has no specialised, state, special educational needs provision. Having a facility here would improve accessibility to borough residents.	Windsor had 29 first school age children with an EHCP and ASD/SEMH needs including 11 attending special, independent or out-borough provision.	The Resourced Provision would serve children aged 4 to 9. At the end of Year 4, children would be too young to transfer to SHINE at Furze Platt Senior School, but may be ready to transfer into a local mainstream school without needing additional support. Otherwise, children still needing that support would then need to transfer into special, independent or out-borough provision.	7.7% of the pupils on roll at the two schools have special educational needs, including 0.4% who have an EHCP. This compares to an average of 14.3% and 1.9% respectively across all mainstream borough schools.	The school has a spare classroom that was built to accommodate a bulge in numbers that has now left the school. This could easily be converted into space for Resourced Provision. There would be no loss of external play space.	Resourced Provision can be provided here very cheaply.	This option provides Resourced Provision in a town that currently has no specialist state SEN provision and significant numbers of children with social communication difficulties and related behaviours. However (unless the Dedworth Campus option also goes ahead) there is no local option for children leaving at the end of Year 4 to then remain in a mainstream school with the equivalent support. Accommodation options are very straightforward and cheap. Public support for this option is, by a very small margin, the lowest, but still high (75%, excluding don't knows etc). <b>Not recommended.</b>
<b>South Ascot Village School</b> Resourced Provision	Overall: 86% From the school: 96%	Good (July 2019 Short Inspection)	Located in Ascot, which currently has Resourced Provision for secondary age children with Physical Disabilities. The site is close to the border with Bracknell, and care would be needed to ensure that places can be prioritised for local residents. Having a facility here would improve accessibility to borough residents.	Ascot had 16 primary age children with an EHCP and ASD/SEMH needs including 6 attending special, independent or out-borough provision.	The Resource Base would serve children aged 4 to 11. At the end of Year 8, children may be ready to transfer into a local mainstream school without additional support or into the SHINE provision in Maidenhead. Otherwise, children still needing that support would then need to transfer into special, independent or out-borough provision.	7.7% of the pupils on roll at the two schools have special educational needs, including 0.4% who have an EHCP. This compares to an average of 15.0% and 2.6% respectively across all mainstream borough schools.	Accommodation options here take advantage of a spare classroom that was built to accommodate a bulge in numbers that has now left the school. This means that Resourced Provision can be accommodated in the main school building, with some internal remodelling. A SEN Unit requires a bit more work, and might also need another year group to be moved down to the Foundation block at the southern end of the site. There would be no loss of external play space.	Resourced Provision can be provided here at relatively low cost.	This option is currently the only option for providing a primary Resource Base for this SEN need in Ascot. There are children with social communication difficulties and related behaviours in the Ascot area. Accommodation options are straightforward, and relatively low cost. The proposal has high public support. <b>Recommended.</b>
<b>South Ascot Village School</b> SEN Unit	Overall: 89% From the school: 100%							A SEN Unit can be provided here at relatively low cost.	
<b>Wraysbury Primary School</b> Resourced Provision	Overall: 83% From the school: 86%	Good (September 2017 Short Inspection)	Located in Wraysbury, which currently has no specialised, state, special educational needs provision. The site is close to the border with Slough, and care would be needed to ensure that can be prioritised for local residents. Having a facility here would improve accessibility to borough residents.	Datchet/Wraysbury had 12 primary age children with an EHCP and ASD/SEMH needs including 6 attending special, independent or out-borough provision.	The Resource Base would serve children aged 4 to 11. At the end of Year 8, children may be ready to transfer into a local mainstream school without additional support or into the SHINE provision in Maidenhead. Otherwise, children still needing that support would then need to transfer into special, independent or out-borough provision.	26.7% of the pupils on roll at the two schools have special educational needs, including 1% who have an EHCP. This compares to an average of 15.0% and 2.6% respectively across all mainstream borough schools.	The school is keen to combine a Resource Base into a building with a wider community focus, including nursery and potentially health services. Options to do that involve a standalone block adjacent to the main playground. This would involve the loss of some external play space. Other options involve either extensions to the front of the school, remodelling of accommodation on site or a first floor extension.	Resourced Provision can be provided here at a relatively high cost.	This option is currently the only option for providing primary Resourced Provision for this SEN need in Datchet/Wraysbury. There are children with social communication difficulties and related behaviours in the Datchet and Wraysbury area. There are achievable accommodation options, although the cheapest have difficulties arising from building in the flood zone and/or loss of trees. This is a relatively expensive option, but has good public support. <b>Recommended.</b>

