

Report Title:	Special Educational Needs and Alternative Provision Capital Strategy
Contains Confidential or Exempt Information	Yes – Main report and appendices A and B are Part I. Appendix C is Part II and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health
Meeting and Date:	Cabinet, 25th August 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of People Services
Wards affected:	All wards

REPORT SUMMARY

The Royal Borough of Windsor and Maidenhead has been allocated £3.7m of grant from the High Needs Provision Capital Allocation (HNPCA), which can be used to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP). In addition, the government has announced a new wave of SEND and AP free schools nationally and is inviting bids from interested parties.

It is proposed that a SEND and AP Capital Strategy is developed to draw these capital plans together, based on a number of proposals that will go out to public consultation first. These proposals include up to four new Resource Bases attached to mainstream schools, and a new early years hub to work with children with Social, Emotional and Mental Health (SEMH) as a primary need.

The recommendations in this report will help the borough achieve its corporate objective of 'Thriving Communities' by making it easier for children and young people to achieve their ambitions and fulfil their potential. The proposed capital strategy will also help provide quality infrastructure for children and young people, meeting the corporate objective of 'Inspiring Places'.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Requests that officers carry out a public consultation in Autumn 2022 on proposals to be included within a new Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy.**
- ii) Requests a report back to Cabinet in January 2023, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment.**
- iii) Requests that officers review the need for new Alternative Provision in the borough and, if needed, proceed with the creation of a**

partnership locally with the aim of submitting an application for a new Alternative Provision free school serving the borough.

- iv) Requests that officers prepare a full application for a new special free school on the AL21 West of Windsor site.**
- v) Recommends a new, £100,000, budget to full Council for feasibility and initial design works on the proposals to be included within the SEND and AP Capital Strategy, funded by the High Needs Provision Capital Allocation.**
- vi) Approves a virement of uncommitted grant funding from the Special Provision Capital Fund to support increased capital costs of the new SEN Unit at South Ascot Village Primary School, as set out in Appendix C (Part II).**

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

Providing sufficient school places

- 2.1 The Education Act 1996 sets out a statutory duty on local authorities to provide enough school places, including provision for children with special educational needs and disabilities (SEND) and alternative provision (AP). The Children and Families Act 2014 places further important statutory responsibilities for supporting children and young people with SEND, including keeping the level and scope of educational provision for them under review.

Consultation on a new SEND and Alternative Provision Capital Strategy

- 2.2 There are a number of national policy changes, opportunities and capital grants that currently affect SEND and AP school places. In some cases, public consultation is required. This report proposes bringing these elements together into one public consultation, to be carried out later this year. Following consultation, officers will develop a SEND and AP Capital Strategy, for consideration by Cabinet in January 2023.

- 2.3 This report summarises the latest developments, and proposes a number of items for inclusion in the draft SEND and AP Capital Strategy.

Government's SEND Review

- 2.4 In March 2022 the government published its green paper, *SEND Review, Right support, Right place, Right time*. The paper identifies three key challenges facing the SEND system nationally:

- outcomes for children with SEN or in alternative provision are poor.
- navigating the SEND system and alternative provision is not a positive experience for children, young people and their families.
- despite unprecedented investment, the system is not delivering value for money for children, young people and families¹.

- 2.5 The green paper proposes a number of actions, of which the most relevant to capital are to:

¹ Page 10, [SEND review: right support, right place, right time](#), Green Paper, DfE, 29th March 2022.

- establish a new national SEND and alternative provision system setting nationally consistent standards for how needs are identified and met at every stage of a child’s journey across education, health and care.
- invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. [The DfE] will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline².

2.6 The national consultation on the green paper ended on 22nd July 2022. The government expects to publish a national SEND delivery plan, setting out its response to the consultation and how change will be delivered, later in 2022.

The Royal Borough’s SEND strategy

2.7 The Royal Borough of Windsor and Maidenhead has recently consulted on its SEND strategy for 2022-2027 and, following this, has agreed six priorities. These are given in Appendix A. The most relevant for the SEND capital strategy is Priority 5, which says there should be:

“development of the right range of specialist provision within the Royal Borough to ensure that as many children and young people as possible can be educated in a local educational setting is a priority. There needs to be a range of provision to support parental choice and this needs to include more specialist SEMH [Social, Emotional and Mental Health] provision and a five-day week offer for post 16 young people.”³

2.8 This priority aligns with the ‘right place’ thread of the government’s green paper. The proposed SEND capital strategy will support delivery of this priority.

Current conclusions on future demand for SEND and AP places

2.9 Analysis of local SEND and AP data has shown that:

- the number of children and young people with SEND continues to increase, particularly where ASC (Autistic Spectrum Condition) and SEMH are the primary need (see Table 1 below).
- children and young people with Education, Health and Care Plans (EHCPs) for SEMH continue to be the hardest to find appropriate school places for.
- the borough continues to send significant numbers of children and young people to high-cost specialist settings, whether at state schools in other local authority areas, or independent schools both in and outside the borough (see Table 2 below).
- based on experience with residents, some parents and carers would prefer their child to be taught in an appropriately supported mainstream setting – i.e. a school with an attached Resourced Provision or SEN Unit.
- AP places are largely provided outside the borough, at Haybrook College in Burnham, Slough. These places have been purposefully commissioned to meet specific AP needs. The government’s SEND Review provides a clear direction of travel to a wider AP offer than currently provided.

² Pages 14 and 15, [SEND review: right support, right place, right time](#).

³ Page 7, [SEND Strategy 2022-2027, consultation response](#), Achieving for Children/RBWM, March 2022.

- 2.10 The tables below show the numbers of children and young people resident in the borough with EHCPs for ASC and SEMH (Table 1); the numbers (Table 2) and percentage (Table 3) of these who are attending independent sector schools.

Table 1: Children in the Royal Borough with EHCPs for ASC & SEMH

Primary need	Jan 2020	Jan 2021	Jan 2022
Autistic Spectrum Condition (ASC)	266	267	317
Social, Emotional and Mental Health (SEMH)	102	116	144
Total	368	383	461

Table 2: Royal Borough children attending independent sector schools

Primary need	Jan 2020	Jan 2021	Jan 2022
ASC	22	28	47
SEMH	13	14	20
Total	35	42	67

Table 3: No. attending independent schools as % of total

Primary need	Jan 2020	Jan 2021	Jan 2022
ASC	8%	10%	15%
SEMH	13%	12%	14%
Total	10%	11%	15%

New special and alternative provision free school waves

- 2.11 On 10th June 2022 the Department for Education (DfE) wrote to all local authorities announcing plans to invest £2.6 billion over the next three years to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This includes delivering up to 60 new special and AP schools.
- 2.12 There are two separate application processes, one for new SEND free schools and one for new AP free schools. New schools delivered through this programme will be delivered and funded centrally, and are legally identical to academies⁴.

New Alternative Provision free schools

- 2.13 Alternative Provision free schools provide education for pupils of compulsory school age who do not attend mainstream or special schools, and who would otherwise not receive suitable education. This includes permanently excluded children and those who cannot attend school due to illness or other reasons. Local authorities are responsible for arranging suitable education for these

⁴ The difference between free schools and academies is simply that free schools are entirely new state schools, whereas academies will previously have been maintained (i.e. community, voluntary controlled or voluntary aided) state schools.

children and young people, and for those who have been subject to a fixed term exclusion of more than five days.

- 2.14 AP placements can be short or long-term, and full or part-time. APs can also offer early intervention to address behavioural issues to try and prevent fixed and/or permanent exclusions.
- 2.15 The Royal Borough's AP is currently provided through a contract with Haybrook College Trust in Burnham, Slough. The borough previously had its own APs at Brocket and St Edmund's House, both in Maidenhead. These were closed as the physical accommodation was inappropriate, and it was no longer possible to meet the needs of our residents locally.
- 2.16 The government has set out further guidance⁵ on making an application for a new AP free school. This will involve the creation of a partnership involving a lead applicant and at least one local authority. This partnership is a formal agreement between a group of people and/or organisations, working together to open a new AP free school.
- 2.17 The lead applicant can be an existing AP or mainstream provider (academy trust or independent school) or a new proposer, but not the local authority. Partnerships can also include other members, such as successful schools, independent providers, FE colleges offering 14 to 16 courses, and charities. The strongest applications will align with the priorities set out by the DfE in their green paper.
- 2.18 A pre-application will need to be completed (by the lead applicant) between 12th September 2022 and 17th October 2022, with the final application due by 17th February 2023. Successful applications are expected to be announced in Summer 2023, although DfE interviews with the strongest applications will start in May 2023.
- 2.19 The AP free school wave offers an opportunity to build upon and improve local AP. The borough will review the need for additional AP provision and, if appropriate, it is proposed that the local authority works with the relevant parties to establish a partnership and submit a pre-application this Autumn.
- 2.20 The application will require evidence of consultation on a strategy for alternative provision, and so it is proposed that this element is included in a proposed consultation on the SEND and AP Capital Strategy.
- New SEND free schools
- 2.21 Whilst the government's green paper sets out plans for more children and young people to be effectively supported in mainstream settings, there are still many children whose needs are best met in special schools.
- 2.22 The investment from the government is intended to provide children and young people with good quality SEND provision in their local area, which will reduce time and money spent on transport, and reduce the use of more expensive provision. The DfE will be prioritising applications where new

⁵ [How to apply to set up an alternative provision free school](#), DfE, 10th June 2022.

schools will help local authorities reduce the dedicated schools grant (DSG) deficits.

- 2.23 Local authorities are asked to submit applications for new special free schools in their area, by Friday 21st October 2022. Successful local authorities will be announced in late 2022/early 2023, and will then need to launch a competition process for organisations to run the new schools ('proposers'). Proposers will be asked to submit their applications in February 2023, and the DfE and local authority will then work together to consider the proposer applications for the area.
- 2.24 An initial pre-registration form for the SEND free school wave was required to be completed by 11th July 2022, and has therefore been submitted.
- 2.25 The Royal Borough currently has two special schools, as set out in Table 4.

Table 4: Special schools in the Royal Borough

School	Age group	Need	Places
Forest Bridge School	All-through	Autism	100
Manor Green School	All-through	Complex and multiple special educational needs	300

- 2.26 There are long-standing plans for a third special school, to be located in the proposed new development known as AL21 West of Windsor. This site, including land for a new school, has been approved as part of the Borough Local Plan. A planning application for the site has been submitted, and is due for consideration later this year.
- 2.27 It is proposed, therefore, that the borough submits a full application for a new special free school on the AL21 West of Windsor site. This application is for an all-through co-educational school for children and young people aged 7 to 16, with SEMH as a primary need. It is anticipated that the school would have up to 100 places. There may be an opportunity to co-locate the AP on the same site, if a bid for that is also successful.
- 2.28 The application will require evidence of consultation on a new SEND school, and so it is proposed that this element is included in the consultation on the SEND and AP Capital Strategy .

The High Needs Provision Capital Allocation (HNPCA)

- 2.29 The Royal Borough of Windsor and Maidenhead has been allocated capital funding from the DfE's High Needs Provision Capital Allocation (HNPCA). The allocations, by financial year, are as follows:
- 2021/22 £500,000
 - 2022/23 £1,299,990
 - 2023/24 £1,921,232
 - Total £3,721,222
- 2.30 The 2021/22 allocation was announced in April 2021. The 2022/23 and 2023/24 allocations were announced in March 2022. There is currently no expectation of further allocations in subsequent financial years.

- 2.31 The purpose of the grant is to meet the capital cost of providing new places and improving existing provision for:
- children and young people with complex needs with Education, Health and Care Plans (EHCPs) and, where appropriate, other children and young people with SEND who do not have an EHCP.
 - pupils who require alternative provision, including those in AP settings without an EHCP.
- 2.32 The DfE is encouraging local authorities to invest in projects that help manage pressures on high needs revenue budgets. In particular, the DfE wants local authorities to consider prioritising projects that increase the number of suitable places for children with EHCPs in mainstream settings, i.e. Resourced Provision and/or SEN Units.
- 2.33 Other key points from the guidance are that:
- the funding is intended mainly for school aged children, but local authorities can spend it across the 0 to 25 age range.
 - there is no deadline for spending the funding.
 - the funding can be spent on provision that lies outside the local authority boundary, if that will improve the range and quality of provision for our children and young people.
 - the funding is not intended for individual mobility equipment, or for maintenance work. It also cannot be used for revenue expenditure of any kind.
 - the later allocations also include a small element for improving the suitability and accessibility of school buildings.
- 2.34 The full guidance is available on the DfE website⁶.
- 2.35 Local authorities are required to consult in an appropriate and proportionate manner with local parents, carers, young people and providers on their proposals. The local authority also is required to complete a short grant assurance survey by 1st October 2022 setting out available details of projects to be funded using the HNPCA.

The Special Provision Capital Fund (SPCF)

- 2.36 The HNPCA is a separate grant to the earlier £1.2m Special Provision Capital Fund (SPCF), which has already been partially used to open two new Resourced Provision facilities at the Dedworth Campus and at the Furze Platt Primary Federation. The SPCF is also funding a SEN Unit⁷ at South Ascot Village Primary School, which is expected to open in January 2023. A third Resourced Provision at Wraysbury Primary School is also planned, with more detailed design work expected to start in Autumn 2022. The likely opening date is September 2024.

⁶ [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.

⁷ SEN Units and Resourced Provisions are both resource bases attached to mainstream schools, but differ in the level of need that they address. Pupils attending an SEN Unit have a higher level of need, and spend more than 50% of their time in the unit. Pupils attending Resourced Provision have a lower level of need, and will spend less than 50% of their time in mainstream school.

- 2.37 It is expected that the SPCF will be fully used on the four new resource bases described above. If there any savings, these can be transferred over to projects being funded mainly by the HNPCA.

Decisions taken so far on the HNPCA

- 2.38 The Royal Borough has already approved a budget of £200,000 from the HNPCA to fund accessibility improvements (Council 20th July 2021). This project is expected to complete in Summer 2022. It is anticipated that savings on the budget will be made.
- 2.39 No consultation was carried out on this project, due to the urgency of the work. This was discussed with the DfE, who approved this approach.

New projects for consideration

- 2.40 A number of potential new schemes have been considered, and are now proposed for public consultation. These are briefly outlined below. Estimates of the capital costs of these proposals will be prepared once public consultation is underway, to be reported back to Cabinet in January 2023.

New Resource Bases

- 2.41 There are already six schools with Resourced Provision, with one more planned, alongside a new SEN Unit. These are shown in Table 5.

Table 5: Resource Bases in the Royal Borough

School	Type	Need	Places	Status
South Ascot Village Primary School	Unit	Autism	8 initially, 10 in. 2023.	Planned opening Sept. 2023.
Wraysbury Primary School	Provision	SEMH	10	Planned, possibly January 2024.
Charters School	Provision	Physical Disability	6	Open
Wessex Primary School	Provision	Hearing Impairment	9	Open
Riverside Primary School	Provision	Speech & Language	13	Open
Furze Platt Primary Federation	Provision	Autism	10	Open
Dedworth Campus	Provision	Autism	10	Open
Furze Platt Senior School	Provision	Autism	21	Open

- 2.42 Expressions of interest have been sought from schools in the borough to run new Resource Bases, whether Resourced Provision or SEN Units. The following schools have expressed an interest, and have confirmed that they would be prepared to be included in the SEND and AP Capital Strategy consultation:

- Alwyn Infant & Courthouse Junior Schools: SEMH Resource Base.
- Hilltop First School: Autistic Spectrum Condition (ASC) Resourced Provision.

- Cox Green School: SEMH Resource Base.
- Desborough College: SEMH Resourced Provision.
- Trevelyan Middle School: Cognition and Learning Resourced Provision

2.43 The proposal for a Resourced Provision at Hilltop First School has previously been consulted on (in 2020). Although there was support for the option, it was not taken forward at that time as there was no equivalent provision for children to move on to at the end of Year 4. Since then, however, the Resourced Provision for ASC at the Dedworth Campus has been opened, meaning that children leaving the Resourced Provision at Hilltop could now move on to equivalent provision there.

2.44 It is proposed, therefore, that these five proposals are included in the consultation.

Social, Emotional and Mental Health (SEMH) Hubs

2.45 As set out in paragraphs 2.9 **Error! Reference source not found.**, the numbers of children and young people with Social, Emotional and Mental Health (SEMH) needs is increasing. This, in turn, is leading to more exclusions from schools for persistent and challenging behaviour arising from unmet SEMH needs. 21 children and young people with SEMH as a primary need are currently placed in specialist SEMH settings, mainly in the independent sector.

2.46 Investment in prevention and early intervention can reduce:

- the number of EHCPs for children and young people with SEMH as a primary need.
- the number of permanent exclusions for persistent, challenging, behaviour arising from unmet SEMH needs.
- the number of placements in specialist SEMH provision, particularly in an independent setting.

2.47 One potential way of addressing part of this need is to establish new 'hubs'. Hubs allow schools or groups of schools to offer early intervention around particular needs for children and young people whilst they remain in their current early years setting or school. They are different, therefore, to resource bases where the child or young person will transfer to the host school.

2.48 The proposed hub would allow pupils to:

- access a comprehensive programme that supports the development of the whole child. This includes the physical, social, emotional and cognitive domains.
- have continued academic provision delivered by a qualified teacher.
- be surrounded by staff knowledgeable and well-trained in SEMH needs.
- be helped in working towards re-integration into their existing school setting.

2.49 One hub for early years is currently proposed for inclusion in the consultation on the SEND and AP Capital Strategy.

Early Years SEMH Hub at The Lawns

2.50 The Royal Borough's Schools Forum agreed to fund a hub pilot in the 2022/23 financial year. This revenue funding would provide a teacher and two support

assistants to work with school age children with SEMH needs. The hub will work with children for two terms to ensure that they are 'school ready', making the necessary interventions and potentially identifying any further SEND needs. The hub would also work with the pupils' families during this period. The expectation is that, after two terms, the pupils can manage their behaviour sufficiently well to attend their school (with or without an EHCP) and avoid permanent exclusions in Foundation Stage and Year 1.

2.51 The pilot is expected to benefit around six pupils, and the outreach element has now started. The outcome will be reported to the Schools Forum in 2023. If successful, the Schools Forum will be asked to approve a permanent change to the schools funding formula to support the ongoing revenue costs. This may include additional changes to support younger, pre-school age, children.

2.52 It is proposed that the hub would operate out of accommodation at The Lawns/Oakfield. This would most likely be the recently vacated bungalow, which will require remodelling and refurbishment. It is proposed that the capital cost would be covered by the HNPCA. The pilot will need to be temporarily located in other accommodation at The Lawns, as the project to remodel and refurbish the bungalow will not complete until mid-2023 at the earliest.

Temporary use of the Chiltern Road site by Manor Green School

2.53 The 'Chiltern Road' site is the former site of Forest Bridge School and Oldfield Primary School in South East Maidenhead. The Royal Borough has previously agreed in principle to the temporary use of the site until it is re-opened as a primary school.

2.54 Manor Green School have a proposed temporary use for the site as an SEN Careers Hub. This is the subject of a separate Cabinet report "*Temporary use of the Chiltern Road school site – Manor Green SEND Careers Hub*", also going to August 2022 Cabinet. A small amount of HNPCA may be used to fund accessibility improvements to the site, in addition to budget already approved by the Royal Borough for the remodelling and repair of the site.

2.55 It is proposed that, given that the Manor Green SEND Careers Hub is likely to be located at the Chiltern Road site until at least September 2025, a larger contribution is made to the remodelling works from the HNPCA grant. This proposal would be included in the consultation.

Other ideas

2.56 The consultation will invite stakeholders to suggest other ideas for capital investment, which will then (if appropriate) be brought to Cabinet for further consideration.

Next steps

2.57 It is proposed that the SEND and AP Capital Strategy consultation should include the proposals outlined above. Public consultation will start in September 2022 and run until late October 2022.

2.58 More detailed feasibility and design work will also be carried out on the proposals, so that estimated costs can be reported back to Cabinet alongside the outcome of the consultation.

South Ascot Village Primary School SEN Unit

- 2.59 As noted in Table 2, a new SEN Unit is planned for South Ascot Village Primary School, to open in September 2023. Due to increased costs and a widening of the scope of the project to best meet the needs of the intended pupils, an additional budget is sought, as set out in Appendix C (Part II). This additional budget will be funded using the remaining Special Provision Capital Fund (grant). As the virement falls between £101k and £500k, this must be considered by Cabinet, and approval is therefore requested in this report.

Options

Table 6: Options arising from this report

Option	Comments
Requests that officers carry out public consultation in Autumn 2022 on proposals to be included within a new Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy. This is the recommended option	This will allow the borough to invite views from interested parties on the proposals. For any new Resource Bases, this consultation will also count as the recommended informal consultation.
Requests a report back to Cabinet in January 2023, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment. This is the recommended option	This will provide Cabinet with the outcome of the consultation and estimated delivery costs, which will in turn enable Cabinet to agree a programme of investment in SEND and AP provision.
Requests that officers review the need for new Alternative Provision in the borough and, if needed, proceed with the creation of a partnership locally with the aim of submitting an application for a new Alternative Provision free school serving the borough. This is the recommended option	This will enable officers to proceed with the development of a bid for a new Alternative Provision free school serving the borough.
Requests that officers prepare a full application for a new special free school on the AL21 West of Windsor site. This is the recommended option	This will enable officers to proceed with the development of a bid for a new SEND free school serving the borough.
Recommends a new, £100,000, budget to full Council for feasibility and initial design works on the proposals to be included within the SEND and AP Capital Strategy. This is the recommended option	This will allow officers to develop the proposals further, and bring costed options to Cabinet for further consideration.
Approves a virement of uncommitted grant funding from the Special Provision Capital Fund to support increased capital costs of the new SEN Unit at South Ascot Village Primary School, as set out in Appendix C (Part II). This is the recommended option	This will allow the proposed SEN Unit at South Ascot Village Primary School to proceed, taking into account higher construction costs and a widened project scope.
Do nothing This is not the recommended option	It will not be possible to deliver the £3.5m capital investment in SEND

Option	Comments
	and AP places, or apply for new SEND and AP free school provision.

3. KEY IMPLICATIONS

Table 7: Key Implications

Outcome	Unmet	Met	Exceeded/ significantly exceeded	Date of delivery
Response rate of >3%	<3% response rate	>3% response rate	>5% response rate	01/12/2022
A report on the consultation and next steps is brought back to Cabinet in January 2023.	No report brought back to Cabinet.	Report brought back to Cabinet in January 2023.	n/a	26/01/2023
Pre-registration process for new free alternative provision school completed.	Pre-registration process not completed.	Pre-registration process completed.	n/a	17/10/2022
Full application for new free special school submitted	Full application not submitted.	Full application submitted.	n/a	21/10/2022
Costed feasibility and design works to be completed.	Costed feasibility works not completed.	Costed feasibility works completed.	n/a	26/01/2023
Completion of the SEN Unit at South Ascot Village Primary School	Completed later than 1 st September 2023.	Completed on 1 st September 2023.	Completed before 1 st September 2023.	01/01/2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

SEND and AP Capital Strategy

- 4.1 Paragraph 2.30 has set out the availability of £3,721,222 High Needs Provision Capital Allocation (HNPCA) across the 2021/22, 2022/23 and

2023/24 financial years. £200,000 has been allocated to an approved project already.

- 4.2 This report does not yet propose budgets for specific projects to be funded by the HNPCA, as those decision will be made once Cabinet has considered the outcome of consultation on the SEND and AP Capital Strategy.
- 4.3 Funding is required, however, to carry out feasibility and design works on:
- the proposed new Resource Bases.
 - the refurbishment and remodelling of the bungalow at Oakfield First School, for use as an Early Years SEMH Hub.
- 4.4 A budget of £100,000, funded by the HNPCA, is therefore recommended to be set aside for the 2022/23 capital programme and cabinet are asked to recommend this for consideration by full Council at their meeting in September 2022.
- 4.5 The proposed new SEND and AP free schools would be funded and built directly by the DfE if the application(s) are successful.

Chiltern Road remodelling and the Manor Green SEND Careers Hub

- 4.6 As noted in paragraph 2.54, some additional changes are required at the Chiltern Road site, to make it appropriate for occupation by Manor Green School on a temporary basis as a SEND Careers Hub. A contribution of £20,000 from the HNPCA to cover the costs of making those changes is sought. As the remodelling work is already in the capital programme for 2021/22, no further permissions are required.
- 4.7 As the HNPCA is grant funded, there are no direct capital or revenue costs to the borough arising from the recommendations in this report.

Table 8: Financial Impact of report’s recommendations

REVENUE COSTS	2021/22	2022/23	2023/24
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

CAPITAL COSTS	2021/22	2022/23	2023/24
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

South Ascot Village Primary School SEN Unit

- 4.8 Additional capital budget is sought to support the delivery of the new SEN Unit at South Ascot Village Primary School. The increased budget will be fully funded using uncommitted funding from the Special Provision Capital Fund, which is already funding the existing budget. The figures are provided in Appendix C (Part II).

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from the recommendations in this report.

6. RISK MANAGEMENT

Table 9: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Insufficient consultation responses to usefully inform Cabinet (<3% response rate)	Medium	A wide range of consultation avenues will be used to maximise responses.	Low
Insufficient time to bring report back to Cabinet in January 2023.	Low	The development and delivery of the SEND and AP Capital Strategy is a key priority for Children's Services.	Low
Insufficient time to develop proposal for an alternative provision free school by the pre-registration deadline.	High	The short lead-in time means that informal discussions with potential partners are already underway.	Medium
Insufficient time to develop proposal for a special free school by the full application deadline.	Medium	Using information already collated for the recent SEND Strategy consultation will minimise the time required to write the application.	Low
Insufficient time to carry out costed feasibility and design works.	Medium	If Cabinet approves the proposal, then procurement will start immediately, allowing the feasibility and design works to be carried out alongside the consultation (subject to approval of the budget by Council).	Low
Cost of delivering the SEN Unit at South Ascot Village Primary School exceeds revised budget.	Medium	The revised budget takes into account the latest information about costs within the construction industry.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equalities Impact Assessment (EqIA) is attached at Appendix B.
- 7.2 Climate change/sustainability. The government is placing increasing importance on the sustainability of school buildings. The design of any new schemes arising from the SEND and AP Capital Strategy will need to take sustainability into account.
- 7.3 Data Protection/GDPR. The collection, analysis and storage of consultation responses will be carried out in line with GDPR requirements. No Data Protection Impact Assessment is required as the consultation will be carried out in the normal manner, with reference to the relevant privacy notices.

8. CONSULTATION

- 8.1 There are various consultation requirements for the proposals set out in this report.

High Needs Provision Capital Allocation

- 8.2 Local authorities are required to consult in an appropriate and proportionate manner with local parents, carers, young people and providers on their proposals for spending the HNPCA.

New Resource Bases

- 8.3 The creation of a Resourced Provision or SEN Unit 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. 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
 - decision by the local authority, to be made within two months of the end of the representation period.
 - implementation.
- 8.4 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.
 - completing the full Business Case and submitting it to the ESFA.
 - decision by the Regional Schools Commissioner (RSC).
- 8.5 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.

- 8.6 Planning Permission would be required for any extensions or new build.
- 8.7 The proposed Resourced Bases are at a mixture of school types, but in all cases the consultation on the SEND and AP Capital Strategy will count as the informal and public consultation.

New AP and SEND free schools

- 8.8 The two separate applications for new AP and SEND free schools both require evidence of public consultation on the proposed new provision. This will be provided by both the consultation on the SEND and AP Capital Strategy, and the earlier consultation on the borough's SEND Strategy 2022-2027.

New SEMH hubs

- 8.9 No consultation is specifically required for SEMH hubs.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Consultation will happen in Autumn 2022, alongside more detailed design and feasibility works. The outcome of the consultation and costings will be reported to Cabinet in January 2023.
- 9.2 If approved at Cabinet, it is likely that the new Resource Bases and SEMH would be open no later than September 2024.

10. APPENDICES

- 10.1 This report is supported by three appendices:

Contained in paper copies

- Appendix A – Priorities from the Royal Borough's SEND five year strategy.
- Appendix B – Equalities Impact Assessment (EqIA).
- Appendix C Part II only – Request for additional budget for South Ascot Village Primary School SEN Unit.

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by six background documents:

- [High Needs Provision Capital Allocation Guidance](#), DfE, March 2022.
- [SEND review: right support, right place, right time](#), Green Paper, DfE, 29th March 2022.
- [SEND Strategy 2022-27, consultation response](#), AfC/RBWM, March 2022
- *New special and alternative provision free school waves 2022*, Letter from DfE, 10th June 2022.
- [How to apply to set up an alternative provision free school](#), DfE, 10th June 2022.
- [How to apply to set up a special free school](#), DfE, 10th June 2022.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
Mandatory: Statutory Officers (or deputy)			
Adele Taylor	Executive Director of Resources/S151 Officer	08/07/22	21/07/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	08/07/22	27/07/22
Deputies:			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	08/07/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	08/07/22	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	08/07/22	13/07/22
Other consultees:			
Directors (where relevant)			
Duncan Sharkey	Chief Executive	20/07/22	25/07/22
Andrew Durrant	Executive Director of Place	08/07/22	
Kevin McDaniel	Executive Director of People Services	05/07/22	06/07/22
Lin Ferguson	AfC Director of Children's Services	05/07/22	07/07/22
Heads of Service (where relevant)			
Insert as appropriate	Head of		
	Head of		
	Head of		
External (where relevant)			
Insert as appropriate or N/A			

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	02/08/2022
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 01/07/2022	No	No

Report Author: Ben Wright, School Places and Capital Team Leader
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APPENDIX A: Priorities from the Royal Borough's SEND five year strategy.

Priorities

- **Priority 1:** Young people with SEND and their families are the 'experts' in understanding their child's needs. We will ensure that systems are in place so that the voices of our children, young people and families are heard and acted upon, so they can shape and inform how we work together to get the best results in a fair and transparent way.
- **Priority 2:** Children and young people with special educational needs are identified earlier and immediate action taken. Pupils will be supported in a timely and effective way to improve their outcomes and wellbeing. This means that we will work with our educational settings and families to ensure that all staff are trained in the identification of a SEND.
- **Priority 3:** It is our aim that all RBWM mainstream provision will be welcoming, accessible and inclusive, adhering to the SEND Code of Practice, so that they can meet the needs of the vast majority of children and young people who have special educational needs and/or disabilities. This means you can expect your mainstream local school or setting to make every reasonable adjustment to meet the needs of children or young people with SEND led by strong SEND leadership within schools.
- **Priority 4:** There is an increased focus on earlier targeted and multi-agency intervention to offer help and meet needs at the earliest opportunity supported by training and signposting. This will reduce the demand on high cost, high need interventions as well as ensuring that children's SEND needs are not ignored or misunderstood.
- **Priority 5:** Development of the right range of specialist provision within the RBWM to ensure that as many children and young people as possible can be educated in a local educational setting is a priority. There needs to be a range of provision to support parental choice and this needs to include more specialist SEMH Provision and a five-day week offer for post 16 young people.
- **Priority 6:** Young people with SEND are helped to become resilient and confident so that they can lead independent and fulfilling lives in their local communities. Supporting independent living and employment is needed with options clearly signposted. Education, Health and Social Care will work more closely together with the young person and their families to support this transition.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	
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Responsible officer	Ben Wright, School Places and Capital Team Leader	Service area	Operations	Directorate	Children's Services
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Stage 1: EqlA Screening (mandatory)	Date created: 29/07/2022	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Lynne Penn, Associate Director, Operations

Dated: 29/07/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The proposals to be included in the draft SEND and AP Capital Strategy are intended to use capital grant to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP). This Cabinet report recommends public consultation on these proposals which, if implemented, will make it easier to achieve the aims set out in the borough's own SEN Strategy and in the government's green paper on SEND.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant	n/a	n/a	
Disability	Relevant	High	Positive	If the proposals in the draft SEND and AP Capital Strategy are implemented following public consultation, they will improve the access for children and young people to education and the support they need locally.
Gender re-assignment	Not relevant	n/a	n/a	
Marriage/civil partnership	Not relevant	n/a	n/a	
Pregnancy and maternity	Not relevant	n/a	n/a	
Race	Not relevant	n/a	n/a	
Religion and belief	Not relevant	n/a	n/a	
Sex	Not relevant	n/a	n/a	
Sexual orientation	Not relevant	n/a	n/a	

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None	Ben Wright, School Places and Capital Team Leader.	The initial consultation is planned for Autumn 2022, with consideration of the outcome by Cabinet in January 2023.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	Ben Wright, School Places and Capital Team Leader.	The initial consultation is planned for Autumn 2022, with consideration of the outcome by Cabinet in January 2023.

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

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2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

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Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA