

Report Title:	Special Educational Needs and Alternative Provision Capital Strategy
Contains Confidential or Exempt Information	Yes – Main report and appendices A to D, F, H and I are Part I. <b>Appendices E and G are Part II and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.</b>
Cabinet Member:	Councillor Carroll, Cabinet Member for Children’s Services, Education, Health, Mental Health and Transformation.
Meeting and Date:	30 March 2023
Responsible Officer(s):	Kevin McDaniel, Executive Director of People Services
Wards affected:	All

## REPORT SUMMARY

*Public consultation has been carried out on proposals for new Special Educational Needs & Disabilities (SEND) provision in the Royal Borough of Windsor and Maidenhead. The proposals included up to four new Resource Bases attached to mainstream schools, and a new Early Years School Readiness Hub.*

*The positive outcome of that consultation is reported here, together the outcome of initial design works and costings (Part II). The Department for Education has also approved the Royal Borough’s application to establish a new special free school in the borough.*

*The recommendations in this report will form the basis of a SEND and Alternative Provision (AP) Capital Strategy to provide more places locally for children and young people with SEND and alternative provision needs.*

*This 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) Approves, in principle, the proposals for new Special Educational Needs & Disabilities (SEND) provision as set out in Table 5.**
- ii) Recommends the budgets for delivery of these proposals, as set out in Appendix G (Part II) to Council for inclusion in the 2023/24 capital programme.**
- iii) Requests formal consultation on the proposal for Hilltop First School and (if required) consultation on amended proposals for Cox Green School and Desborough College, and delegates authority to the AfC Director of Children’s Services, in consultation with the Cabinet Member for Children’s Services, Education,**

**Health, Mental Health & Transformation to then make the final decision(s) on whether to proceed.**

- iv) **Requests the submission of Business Cases to the Department of Education, seeking the necessary approvals of the proposals in Table 5 that involve academies.**
- v) **Delegates authority to the AfC Director of Children’s Services and the Procurement Manager to undertake procurement and enter into contracts for the delivery of the new SEND provision set out in Table 5, subject to:**
  - **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 service level agreement setting out the expectations of both the school and the local authority in relation to the running of the Resource Base.**
  - **(for the Early Years School Readiness Hub only) Heads of Terms being agreed on the lease of the bungalow.**

## **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.
- 2.2 Appendix A shows the SEND provision already open in the Royal Borough.

### **Developing a SEND and AP Capital Strategy**

- 2.3 Cabinet considered a report in August 2022 setting out a number of national policy changes, opportunities and capital grants affecting SEND and AP school places. In summary, these were:
  - **The government’s SEND review: ‘Right support, Right place, Right time.’** Published as a green paper in March 2022, this consulted on creating a new national SEND and AP system with consistent standards for identifying and meeting need, together with immediate investment in new SEND and AP places<sup>1</sup>. The government is expected to publish the resulting national SEND delivery plan early in 2023.
  - **The Royal Borough’s SEND strategy 2022-2027.** Priority 5 of the borough’s agreed SEND strategy<sup>2</sup> commits the borough to developing the right range of specialist provision so that as many children and young people can be educated in a local educational setting as possible.
  - **New special and alternative free school waves.** The Department for Education (DfE) announced £2.6m of capital investment in new SEND and AP provision, including up to 60 new special and AP free schools.
  - **High Needs Provision Capital Allocation (HNPCA).** The Royal Borough has been allocated £3,721,222 in capital grant to meet the capital costs of providing new places and improving existing provision for children and

<sup>1</sup> Pages 14 and 15, [SEND review: right support, right place, right time](#), Department for Education, March 2022.

<sup>2</sup> [Special Education Needs or Disability \(SEND\) Strategy \(2022-2027\)](#), RBWM, October 2023.

young people with Education, Health and Care Plans (EHCPs); other children and young people with SEND; and children who require alternative provision.

- 2.4 Although the government's national SEND delivery plan has not yet been published, the priorities in the borough's SEND Strategy align with the direction of travel laid out in the green paper.
- 2.5 Cabinet approved public consultation, therefore, on a number of proposals for more SEND provision in the borough, and initial design works to establish costs. Cabinet also approved the submission of a bid for a new special free school.
- 2.6 HNPCA funding has already been committed to improvements at the Charters Resourced Provision for Physical Disability (completed); to the SEND Careers Hub at the Chiltern Road site in Maidenhead (September 2023) and to costs associated with the delivery of the SEND capital programme, including design works for the proposals referred to in this report.

#### **New special free school bid**

- 2.7 The Royal Borough submitted a bid for a new special free school, as part of the latest free school wave, in October 2022. The bid was for a 100 place special school, for children and young people aged 7 to 16 with EHCPs for Social, Emotional and Mental Health (SEMH). The school would be located in a new development planned on the western edge of Windsor (identified in the Borough Local Plan as AL21 West of Windsor).
- 2.8 The DfE announced on 2<sup>nd</sup> March 2023 that the Royal Borough had been successful in its bid for a new special free school. The local authority will now need to run a free school competition to invite proposer groups to apply to open the new school.
- 2.9 One requirement of a successful bid is a commitment from the local authority to fund any 'abnormal' works related to the new school arising from specific site conditions. This report recommends, therefore, that £500,000 is set aside from the High Needs Provision Capital Allocation for this purpose.

#### **Proposals for new SEND provision in the Royal Borough**

- 2.10 The public consultation on new SEND provision focused on four new Resource Bases attached to mainstream schools, and an Early Years School Readiness Hub at The Lawns Nursery School in Windsor.
- 2.11 The Resource Base proposals were for:
  - Cox Green School, Resourced Provision for Cognition and Learning.
  - Desborough College, Resourced Provision for Cognition and Learning.
  - Hilltop First School, SEN Unit or Resourced Provision for Communication and Interaction.
  - Trevelyan Middle School, Resourced Provision for Cognition and Learning.

## **Note on Resource Bases, Resourced Provision, SEN Units and Hubs**

- 2.12 Resource Base is a generic term for a facility attached to a school that provides additional support for children and young people with 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.
- 2.13 Three of the proposed bases are for Cognition and Learning, which covers Specific Learning Difficulties, such as dyslexia or dyspraxia, or Moderate Learning Difficulties. There are not currently any Resource Bases for Cognition and Learning in the borough.
- 2.14 The fourth proposed base (at Hilltop First School) is for Communication and Interaction, which covers Speech, Language and Communication Needs (SLCN) and Autistic Spectrum Condition (ASC). The borough has a Speech and Language Resourced Provision at Riverside Primary School, and two primary age ASC Resourced Provisions (Furze Platt Primary Federation, Dedworth Campus), and the planned SEN Unit at South Ascot Village Primary School.
- 2.15 Hubs are different to Resource Bases, and provide short term, additional, support to children and young people who might attend only for a few hours each week. They will continue to have most of their lessons at their 'home' school, and do not have to have an EHCP. The purpose of hubs is to keep children at their current school, addressing issues as soon as possible through early intervention.

### **Informal consultation**

- 2.16 Paragraph 5.1 in Section 5 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'. More details about the consultation process are given in Section 8; the consultation document is provided at Appendix B; the full details of the consultation outcome are given in Appendix C.
- 2.17 In summary, the outcome of the consultation is very positive, as shown in Tables 1 and 2.

Table 1: 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 EHCPs?</b>		
<b>Answer</b>	<b>Responses (No.)</b>	<b>Responses (%)</b>
<b>Yes</b>	<b>166</b>	<b>93</b>
<b>No</b>	<b>8</b>	<b>4</b>
<b>Don't know</b>	<b>3</b>	<b>2</b>
<b>No view</b>	<b>1</b>	<b>1</b>
<b>Total</b>	<b>178</b>	<b>100</b>

Table 2: Consultation response – principle of School Readiness Hub

<b>Do you agree that the Royal Borough of Windsor and Maidenhead should open an Early Years School Readiness Hub?</b>		
<b>Answer</b>	<b>Responses (No.)</b>	<b>Responses (%)</b>
<b>Yes</b>	<b>158</b>	<b>89</b>
<b>No</b>	<b>4</b>	<b>2</b>
<b>Don't know</b>	<b>8</b>	<b>4</b>
<b>No view</b>	<b>8</b>	<b>4</b>
<b>Total</b>	<b>178</b>	<b>100</b>

- 2.18 Overall, 93% of 178 respondents were in favour of opening new Resource Bases, and 89% were in favour of an Early Years School Readiness Hub.
- 2.19 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:
- More Resource Bases are required as there is not enough local SEND provision (21).
  - Resource Bases will help school(s) provide more support to children with SEND (21).
  - More early intervention is needed to support families of children with SEND, particularly where a diagnosis hasn't yet been made (3).
  - My school is not currently meeting the SEND needs of my child (9).
  - Many children and young people with SEND can remain in mainstream school, provided they have sufficient support (7).
  - All schools should have the opportunity to have a Resource Base (5).
  - Decisions about which provision should go ahead should be made on the basis of need across the borough and at individual schools (5).
- 2.20 Of the 56 parents/carers of children with EHCPs who responded, 88% were in favour of opening more Resource Bases, and 85% in favour of the proposed Early Years School Readiness Hub.
- 2.21 Many more comments were made in relation to this question, and these are summarised on pages 3 and 5 of Appendix C. All of the individual comments can be read in Appendix I.
- 2.22 The consultation then asked respondents to give their views on the individual site proposals, as summarised in Table 3. Note that Hilltop First School appears in the table twice, as the borough consulted on both a Resourced Provision and a SEN Unit.

Table 3: Consultation response – views on specific options

<b>Do you agree that the Royal Borough should open new SEND provision at the following schools?</b>				
<b>Site</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>	<b>No view</b>
<b>Cox Green School</b> Resourced Provision Cognition & Learning	<b>112</b> 63%	<b>10</b> 6%	<b>22</b> 12%	<b>34</b> 19%
<b>Desborough College</b> Resourced Provision Cognition & Learning	<b>116</b> 65%	<b>8</b> 4%	<b>21</b> 12%	<b>33</b> 19%
<b>Hilltop First School</b> Resourced Provision Communication & Interaction	<b>114</b> 64%	<b>11</b> 6%	<b>26</b> 15%	<b>27</b> 15%
<b>Hilltop First School</b> SEN Unit Communication & Interaction	<b>121</b> 68%	<b>9</b> 5%	<b>25</b> 14%	<b>23</b> 13%
<b>The Lawns Nursery School</b> Hub Early Years School Readiness	<b>125</b> 70%	<b>8</b> 4%	<b>18</b> 10%	<b>27</b> 15%
<b>Trevelyan Middle School</b> Resourced Provision Cognition & Learning	<b>122</b> 69%	<b>9</b> 5%	<b>20</b> 11%	<b>27</b> 15%

- 2.23 There is a high level of uncertainty from respondents in relation to 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 option is, however, very low. Table 4 sets out the percentages for and against each option, with 'No view' removed.

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

<b>Do you agree that the Royal Borough should open new SEND provision at the following schools?</b>			
<b>Site</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Cox Green School</b> Resourced Provision Cognition & Learning	<b>112</b> 78%	<b>10</b> 7%	<b>22</b> 15%
<b>Desborough College</b> Resourced Provision Cognition & Learning	<b>116</b> 80%	<b>8</b> 6%	<b>21</b> 14%
<b>Hilltop First School</b> Resourced Provision Communication & Interaction	<b>114</b> 75%	<b>11</b> 7%	<b>26</b> 17%
<b>Hilltop First School</b> SEN Unit Communication & Interaction	<b>121</b> 78%	<b>9</b> 6%	<b>25</b> 16%
<b>The Lawns Nursery School</b> Hub Early Years School Readiness	<b>125</b> 83%	<b>8</b> 5%	<b>18</b> 12%
<b>Trevelyan Middle School</b> Resourced Provision Cognition & Learning	<b>122</b> 81%	<b>9</b> 6%	<b>20</b> 13%

- 2.24 Excluding 'No view' there is a very high level of support for all of the options.
- 2.25 Appendix C also gives a breakdown of responses from each of the school communities (parents, staff and governors) at which new SEND provision is proposed.
- 2.26 Although relatively few responses were received from each school, in all cases there were majorities in favour of the proposals.
- 2.27 Respondents were given the opportunity to comment on their answers in relation to the specific proposals. Not many specific issues raised, but these did include:
- Not wanting to open Resourced Provision at a single-sex school for boys, as there would be no equivalent provision for girls (1).
  - Concern over whether the needs to be met by the proposed Communication and Interaction Resourced Provision at Hilltop would be too broad (1).
- 2.28 The comments made in relation to these questions are summarised in Appendix C. All of the individual comments can be read in Appendix I.
- 2.29 The final question of the consultation related to whether the new provision at Hilltop First School should be a Resourced Provision or a SEN Unit. Here, the response was:
- 10% for Resourced Provision
  - 26% for SEN Unit
  - 19% Don't know
  - 45% No view.
- 2.30 Most respondents have no view, but of the two options, the SEN Unit is preferred. This is replicated in the responses from the Hilltop community, where 12% were in favour of Resourced Provision, and 52% in favour of a SEN Unit.
- Initial design and feasibility works on new accommodation required**
- 2.31 Resource Bases and hubs have their own accommodation, where children and young people attending the facility can receive additional support. There is no set guidance for hubs, but the DfE's Building Bulletin 104 sets space standards for Resource Bases.
- 2.32 Initial design works have been carried out by the borough, in partnership with HLM Architects, for the Resource Bases. Thames Valley Surveying has worked with the borough on the design for the Early Years School Readiness Hub. All the options have been developed in partnership with the schools.
- 2.33 In summary, a range of deliverable options have been identified at all five sites, either through the remodelling of existing accommodation (including former caretaker bungalows), extensions to buildings or new standalone blocks. Appendix D provides a summary of these options, together with recommendations. The Part II version also provides estimated costings (Appendix E, Part II item).

### **Options appraisal**

- 2.34 Appendix F provides an appraisal of the recommended proposals at each school, including consultation outcome, Ofsted ratings, location, local need, capital cost and practicality of deliverability.
- 2.35 There are no concerns about the ability of any of the schools to deliver and run a Resource Base or Hub. Affordability in both capital and revenue terms mean that all four Resource Bases and the Hubs can proceed.

### **Recommending further investigations and a phased programme**

- 2.36 This report recommends that approval be given to:
- The Early Years School Readiness Hub at The Lawns, to open in September 2023.
  - Resourced Provision for Communication and Interaction at Hilltop First School, to open in September 2024.
  - Resourced Provision for Cognition and Learning at Trevelyan Middle School, to open in September 2024.
- 2.37 Further discussions are needed in relation to the proposals for Cox Green School and Desborough College. This will allow the schools and local authority to consider more fully the impact of a Resource Base at a single-sex school (Desborough College). In addition, both proposals were for Cognition and Learning, which is more than is needed. One of the bases could instead be for a different range of needs, if agreed by the schools. A change in the type of need would require some additional consultation.
- 2.38 Accordingly, it is proposed that the Royal Borough gives in principle agreement is given to the two secondary bases to open in September 2025, subject to further discussions with the schools and any necessary consultation.
- 2.39 This will give a phased programme with new provision opening in 2023, 2024 and 2025. This will ensure there is capacity to develop and deliver the new Resource Bases, reducing the risk to the revenue budgets (see paragraphs 4.8 to 4.19 in Section 3 for more details about revenue).

### **Manor Green School**

- 2.40 A project to improve access to Manor Green School is proposed, to be funded by both S106 and HNPCA. This project will replace the two single-carriageway gates on site with double-carriageway gates, allowing traffic to pass in both directions when open. This should help improve traffic flow onsite, and reduce delays on Cannon Lane at the start and end of the school day. If approved, the works should be carried out over the summer holiday period in 2023.

### **Other proposals**

- 2.41 Occasionally, significant revenue savings can be made by making relatively minor adjustments to accommodation to meet the needs of a particular child or young person. Such adjustments, made to local state schools or colleges, can avoid the need to send a child or young person with an EHCP to a more costly independent sector place. It is proposed that £200k of HNPCA is set aside for this purpose. This would replace the S106 pot that has previously been used for this purpose, which is now almost all spent.



## SEND and AP Capital Strategy

- 2.42 The resulting SEND and AP Capital Strategy can be summarised, therefore, as in Table 5.

Table 5: SEND and AP Capital Strategy

School	Proposal	Timing
Charters School	Improvements to the Resourced Provision for Cognition and Learning	Completed
Chiltern Road site	New SEND Careers Hub	September 2023
Manor Green School	Access improvements	Summer 2023.
The Lawns Nursery School	New Early Years School Readiness Hub	September 2023
Hilltop First School	New Resourced Provision for Communication and Interaction	September 2024
Trevelyan Middle School	New Resourced Provision for Cognition and Learning	September 2024
Cox Green School	New Resourced Provision (in principle) with need to be determined.	September 2025
Desborough College	New Resourced Provision (in principle) with need to be determined.	September 2025
West of Windsor	New special school, funding of abnormal costs	September 2026
All schools	Fund for minor adaptations at schools and colleges to support local placement of children and young people with EHCPs.	Ongoing

- 2.43 Appendix G (Part II) provides the estimated costs to the capital programme for each element of this proposed programme. This includes capital funding for the two 'in-principle' decisions for Resourced Provision at Cox Green School and Desborough College.
- 2.44 Cabinet is asked to recommend to Council that the budgets set out in Appendix G are added to the 2023/24 capital programme.

### Next steps

#### New special school

- 2.45 The DfE will be providing the Royal Borough with key dates for carrying out a competition to find a proposer to run the new special free school. It is likely that this will need to be run in Spring 2023, with decisions around the proposer by the Autumn.

#### New Resource Bases and Early Years School Readiness Hub

- 2.46 The Governing Bodies and Academy Trusts for the schools involved are still considering the outcome of the consultation. This report proposes, therefore, that Cabinet approval of these schemes is subject to approval by the relevant Governing Bodies and Academy Trusts.

- 2.47 This will allow formal consultation on the Hilltop First School proposal to proceed in the summer term 2023. The Royal Borough will then need to formally consider whether the proposal should still go ahead. It is proposed that this decision is delegated to the AfC Director for Children’s Services, in conjunction with the Cabinet Member for Children’s Services, Education, Health, Mental Health and Transformation. 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.
- 2.48 For Cox Green School, Desborough College and Trevelyan Middle School, the process is slightly different as the schools are academies. Their academy trusts will need to submit a Business Case to the DfE, once planning permission for the new build has been secured.
- 2.49 No further formal permissions from Cabinet are required in the case of the Early Years School Readiness Hub.
- 2.50 However, for all five proposals, the main project contract will not be tendered until:
- All parties at each school, including the local authority, agree and sign a Memorandum of Understanding (MOU) setting out the scope of the new accommodation to be provided.
  - All parties at each school, including the local authority, agree and sign a Service Level Agreement setting out the expectations of both the school and local authority in relation to the provision to be offered.
  - Heads of Terms have been agreed in relation to any leases (this affects the Early Years school Readiness Hub).
- 2.51 Projects will then move through full design stage, planning permission (where relevant) and procurement before the construction phase begins. During this time the borough will work with schools on setting up the new Resource Bases and Hub.

## Options

**Table 6: Options arising from this report**

Option	Comments
Approves, in principle, the proposals for new Special Educational Needs & Disabilities (SEND) provision as set out in Table 5. <b>This is the recommended option</b>	This will allow the borough to proceed to next steps on the recommended new SEND provision. If not approved, there will be no further progress with these proposals.
Recommends the budgets for delivery of these proposals, as set out in Appendix G (Part II) to Council for inclusion in the 2023/24 capital programme. <b>This is the recommended option</b>	Council approval is required for additions to the borough capital programme. If approval is not given, budgets cannot be set, and the projects cannot proceed.
Requests formal consultation on the proposal for Hilltop First School and delegates authority to the AfC Director of Children’s Services, in consultation	Formal consultation is required for the change proposed at Hilltop First School (a community school). It is recommended that

<b>Option</b>	<b>Comments</b>
<p>with the Cabinet Member for Children's Services, Education, Health, Mental Health &amp; Transformation to then make the final decision on whether to proceed.</p> <p><b>This is the recommended option</b></p>	<p>consideration of the outcome of this consultation is delegated in order to speed the process up. Experience of previous consultations suggests that it is unlikely that any substantive new issues will be raised in the formal consultation period.</p>
<p>Requests the submission of Business Cases to the Department of Education, seeking the necessary approvals of the proposals in Table 5 that involve academies.</p> <p><b>This is the recommended option</b></p>	<p>Academies are required to submit Business Cases to the DfE when making significant changes. Proposals cannot proceed unless this is done.</p>
<p>Delegates authority to the AfC Director of Children's Services and the Procurement Manager to undertake procurement and enter into contracts for the delivery of the new SEND provision set out in Table 5, subject to:</p> <ul style="list-style-type: none"> <li>• each school agreeing and signing a Memorandum of Understanding with the local authority setting out the scope of the accommodation works.</li> <li>• each school agreeing and signing a service level agreement setting out the expectations of both the school and the local authority in relation to the running of the Resource Base or Hub.</li> <li>• (for the Early Years School Readiness Hub only) Heads of Terms being agreed on the lease of the bungalow.</li> </ul> <p><b>This is the recommended option</b></p>	<p>Delegation of authority to procure and enter into contracts will allow this process to proceed quickly. In most cases, the tender sum will be below the Cabinet threshold anyway.</p> <p>This will ensure that the scope of projects is agreed with schools at an early stage, leading to quicker and more efficient procurement.</p> <p>This will ensure that all parties are clear at an early stage about what the day to day operation of the new provision will involve.</p> <p>Agreeing Heads of Terms on the bungalow lease will provide security to move forward with procurement.</p>

### 3. KEY IMPLICATIONS

**Table 7: Key Implications**

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Four new Resource Bases are opened to the timetable in Table 5.	Resource Bases open later than set out in Table 5.	Four new Resource Bases are opened to the timetable in Table 5.	N/A	N/A	See Table 5.
Early Years School Readiness Hub opens on 1 <sup>st</sup> September 2023	Does not open on 1 <sup>st</sup> Sept. 2023.	Opens 1 <sup>st</sup> Sept. 2023.	N/A	N/A	1 <sup>st</sup> Sept. 2023.
Reduced pressure on revenue budgets through capital funded adjustments to buildings.	N/A	Up to £100,000 per annum.	>£100,000 per annum.	N/A	1 <sup>st</sup> Sept. 2025.

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

**Table 8: Financial Impact of report's recommendations on:  
(a) 'LA block' revenue**

REVENUE COSTS	2023/24	2024/25	2025/26
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

**(b) Dedicated Schools Grant 'High Needs' block**

REVENUE COSTS	2023/24	2024/25	2025/26
Additional total	£0	£230,666	£464,000
Reduction	£0	£230,666	£464,000
Net Impact	£0	£0	£0

- 4.1 There is more detail about the revenue costs in paragraphs 4.13 to 4.19. 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 within the local authority's revenue.

### (c) Capital programme (funded from the High Needs Provision Capital)

CAPITAL COSTS	2023/24	2024/25	2025/26
Additional total	£452,000	£1,342,000	£1,444,000
Reduction	£452,000	£1,342,000	£1,444,000
Net Impact	£0	£0	£0

#### Capital funding

- 4.2 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 £1,299,900
  - 2023/24 £1,921,232
  - **Total £3,721,222**
- 4.3 There is currently no expectation of further allocations in subsequent financial years. 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 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.
- 4.4 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.
- 4.5 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 (including at further education colleges).
  - 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.
- 4.6 The full guidance is available on the DfE website<sup>3</sup>.
- 4.7 Appendix G (Part II) sets out the estimated costs of the proposed options and shows that these are expected to be affordable within the £3,721,222 grant. There will be no impact on the council's own capital resources.

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<sup>3</sup> [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.

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

### Impact of the revenue funding on a school

- 4.8 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 £3,584.54 for a primary school, £5,053.61 for the KS3 years in a middle school, and £5,695.74 for secondary schools. 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>4</sup>. The top-up funding is between £2k and £21k 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.
- 4.9 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.
- 4.10 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.
- 4.11 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 funding levels are agreed annually for each financial year, for each unit or provision.
- 4.12 The children attending a SEN Unit or Resourced Provision are excluded from the Targeted SEN in-year funding for schools.

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<sup>4</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.

Impact on the borough's revenue funding

- 4.13 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.
- 4.14 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 4.8 above, as set out in Tables 9 (Resourced Provision) and 10 (SEN Unit).

**Table 9: 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
6	6	£112,000
0	10	£100,000

**Table 10: 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
6	6	£124,000
0	10	£100,000

- 4.15 Based on the recommendations to proceed with four new Resource Bases, phased over two years, the nominal cost to the High Needs Budget would be as set out in Table 11. 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 (four empty places).

**Table 11: Gross (HNB) revenue costs of Resource Bases by financial year**

Proposal	2023/24	2024/25	2025/26	2026/27
<b>Cox Green Resourced Provision</b>	£0	£0	£65,333	£116,667
<b>Desborough College Resourced Provision</b>	£0	£0	£65,333	£116,667
<b>Hilltop First School Resourced Provision</b>	£0	£65,333	£116,667	£120,000
<b>Trevelyan Middle School Resourced Provision</b>	£0	£65,333	£116,667	£120,000
<b>Total</b>	£0	£130,666	£364,000	£473,333

- 4.16 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 11 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.
- 4.17 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.
- 4.18 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.
- 4.19 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).

#### **Revenue funding for Early Years School Readiness Hub**

- 4.20 The revenue funding for the Early Years School Readiness Hub will come from the High Needs Block, and is expected to be £100,000 per annum. This



will cover staffing costs and the running costs associated with the new accommodation.

- 4.21 Over time, it is hoped that the proposal will help manage future costs by reducing the number of young children permanently excluded from school, who might then need to be placed in more expensive specialist provision.

## 5. LEGAL IMPLICATIONS

### Community, Voluntary Controlled and Voluntary Aided schools

- 5.1 The creation of Resource Base at a community, controlled or aided school requires that the local authority follows a statutory process, as set out in regulations and guidance<sup>5</sup>. This process, which would apply to Hilltop First School, involves:

- informal consultation. This has been carried out (see Section 8. 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.

- 5.2 It is proposed that publication of proposals would happen in early summer 2023.

- 5.3 There is no requirement to carry out a similar process for the creation of an Early Years School Readiness Hub at The Lawns Nursery School.

### Academy schools, including free schools

- 5.4 Adding Resourced Provision at an academy requires that the trust submits a full Business Case to the ESFA for approval<sup>6</sup>. 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 DfE.
- decision by the Regional Department for Education Directors.

- 5.5 Submission of the Business Case to the DfE 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.

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

### Procurement

- 5.7 Capital schemes will be procured in line with the borough's procurement processes. This report recommends that, where Cabinet level authority is required to procure or enter into contracts, this is delegated to the AfC Director of Children's Services and the Procurement Manager.

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<sup>5</sup> [Making significant changes \('prescribed alterations'\) to maintained schools](#), DfE, January 2023.

<sup>6</sup> [Making significant changes to an open academy](#), DfE, January 2022.

## 6. RISK MANAGEMENT

**Table 12: Impact of risk and mitigation**

Threat or risk.	Impact with no mitigations in place or if all mitigations fail.	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place.	Mitigations proposed.	Impact of risk once all mitigations in place and working.	Likelihood of risk occurring with all mitigations in place.
There is a risk that construction of the new provision exceeds the available budget, due to inflation and/or changes in project scope. This could make it impossible to deliver the proposals without additional capital funding.	Major	High	Capital budget estimates have been provided by independent party and reviewed by Property Services. Estimates include significant allowance for inflation and contingency.	All parties will need to agree and sign a Memorandum of Understanding in relation to the scope of the capital project, before moving to tender.	Moderate	Medium
Opening of the new SEN provision leads to additional revenue cost pressures on the High Needs budget. This risk arises if places are left unfilled or are taken by out-borough pupils and the appropriate funding transfer mechanism isn't in place.	Moderate	Medium	Phasing the opening of the new provision 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	Low
Department of Education approval of proposals involving academies takes too long, delaying delivery of planned provision.	Major	Medium	None.	Academies will be asked to submit draft Business Cases to the DfE as soon as possible.	Low	Low

## **7. POTENTIAL IMPACTS**

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix H.
- 7.2 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.
- 7.3 Data Protection/GDPR. Personal data was collected as part of the consultation process, for processing purposes only. The appropriate privacy notices were included in the electronic and printed consultation documents. Reporting on the outcome of the consultation only includes aggregated, anonymised data.

## **8. CONSULTATION**

- 8.1 Informal public consultation on the proposals for new Resource Bases in the borough was approved by Cabinet in August 2022. Following work to refine the options, consultation started on Monday 9<sup>th</sup> January 2023 and finished on Friday 24<sup>th</sup> February 2023. The consultation ran for just under seven weeks.
- 8.2 A consultation document (Appendix B – 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 13 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 303 parents/carers of borough children with EHCPs on roll at non-RBWM schools.
- 8.3 The consultation was available on the Achieving for Children website, linked from the Royal Borough website, together with an online (SmartSurvey) response form.
- 8.4 The consultation was referred to in each weekly Resident Newsletter (circulated to 22,000 residents) during the consultation period, and was the top news story in the one dated 17<sup>th</sup> February 2023. The consultation was also widely publicised on the borough website and social media channels, and a press release was issued on Monday 9<sup>th</sup> January, resulting in articles in local newspapers.

**Table 13: Summary of consultation document distribution**

Who	Where	Number distributed
Parents/carers	All borough schools + EHCP's at non-borough schools.	14,752*
Staff and governors	All borough schools	Unknown
All Headteachers	All borough schools	65
All councillors	The Royal Borough	41
Local independent schools	All borough independent schools	5
Local authorities	Bracknell Forest, Buckinghamshire, Slough, Surrey, Wokingham.	5
Parish Councils	All borough parish councils	15
Local SEND groups	Autism Berkshire, The Autism Group, CAMHS, Family Friends, GEMS, Parents and Carers in Partnership	6
Other consultees	Local MPs, FE Colleges, Diocesan Authorities, Multi-Academy Trusts.	23
<b>TOTAL</b>		<b>14,912</b>

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

- 8.5 178 responses were received, mostly via the online survey form. This represents a response rate of 1.1%. This is below the 3% response rate sought, but still gives a robust indication of views on the proposals, particularly given the high level of support for each option. 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.
- 8.6 More details about the outcome of the consultation are given at *Appendix C: Consultation analysis and comments made*.

## 9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in Table 14.

**Table 14: Implementation timetable**

Date	Details
April 2023	Governing Bodies and academy trusts of approved schools formally confirm their wish to proceed.
April 2023	Council asked to approve capital budgets
Summer 2023	Schools and the local authority draw up Memorandums of Understanding and draft Service Level Agreements for the new SEN provision
Summer 2023	Works on the Early Years School Readiness Hub are undertaken
September 2023	Early Years School Readiness Hub opens.

September 2023+	Design and procurement works on the agreed Resource Bases starts.
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## 10. APPENDICES

10.1 This report is supported by nine appendices:

- Appendix A: List of current SEND provision in the Royal Borough
- Appendix B: *New provision for children with special educational needs* consultation document.
- Appendix C: Consultation analysis and comments made.
- Appendix D: Summary of initial design works (without costs).
- Appendix E: Summary of initial design works (with costs). (Part II – not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972).
- Appendix F: Options appraisal for each school.
- Appendix G: Summary of estimated costs of proposed SEND capital programme.
- Appendix H: Equality Impact Assessment.
- Appendix I: Individual responses to the consultation (anonymised).

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by four background documents:

- [Making significant changes \('Prescribed Alterations'\) to maintained schools](#), DfE, January 2023.
- [Making significant changes to an open academy](#), DfE, January 2022.
- SEN Resource Bases Provision Feasibility Study (Wave 2), HLM Architects, November 2022.
- [Special Educational Needs and Alternative Provision Capital Strategy Cabinet Report](#), RBWM, August 2022.
- [High Needs Provision Capital Allocation Guidance](#), DfE, March 2022

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	20/02/23	
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	20/02/23	23/02/23
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	20/02/23	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	20/02/23	24/02/23

<b>Mandatory:</b> Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract			
Lyn Hitchinson	Procurement Manager	20/02/23	
<b>Mandatory:</b> Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA			
Samantha Wootton	Data Protection Officer	20/02/23	
<b>Mandatory:</b> Equalities Officer – to advise on EQiA, or agree an EQiA is not required			
Ellen McManus-Fry	Equalities & Engagement Officer	20/02/23	
<b>Other consultees:</b>			
<b>Directors (where relevant)</b>			
Tony Reeves	Interim Chief Executive	20/02/23	
Andrew Durrant	Executive Director of Place	20/02/23	
Kevin McDaniel	Executive Director of People Services	20/02/23	
Lin Ferguson	AfC Director of Children's Services	20/02/23	
Stuart Lines	Director of Public Health	20/02/23	
<b>Heads of Service (where relevant)</b>			
<b>External (where relevant)</b>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Children's Services, Education, Health, Mental Health and Transformation.	Yes
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## REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 19/10/2022	No	

Report Author: Ben Wright, School Place Planning & Capital Programme Manager - Operations



## APPENDIX A – SEND PROVISION IN THE ROYAL BOROUGH

- A.1 The Royal Borough has two schools specifically for children with Special Educational Needs. It also has six Resource Bases and two further bases set to open in September 2023 and September 2024. There are not currently any hubs.

**Table A1: Existing SEN provision in the Royal Borough**

<b>Type</b>	<b>Provision</b>	<b>SEND need</b>	<b>Age</b>	<b>Places</b>
School	Manor Green School	Complex, profound multiple learning difficulties	2-19	300
	Forest Bridge	Autistic Spectrum Condition	4-16	96
Resourced Provision	Charters School	Physical Disability	11-19	6
	Dedworth Campus	Autistic Spectrum Condition	4-13	10
	Furze Platt Primary Federation	Autistic Spectrum Condition	4-11	10
	Furze Platt Senior School	Autistic Spectrum Condition	11-19	21
	Riverside Primary School	Speech/Language	3-11	13
	Wessex Primary School	Hearing Impaired	4-11	9
	<i>Wraysbury Primary School</i>	<i>Social, Emotional and Mental Health</i>	<i>4-11</i>	<i>10</i>
SEN Unit	<i>South Ascot Village Primary School</i>	<i>Autistic Spectrum Condition</i>	<i>4-11</i>	<i>10</i>

- 12.1 The SEN Unit at South Ascot Village Primary School will open on 1<sup>st</sup> September 2023. The Resourced Provision at Wraysbury Primary School is at design stage,