

Item No. 16.	Classification: Open	Date: 24 July 2018	Meeting Name: Cabinet
Report title:		Proposal to Establish Specialist SEND Education Provision for Children and Young People with Learning Disabilities, aged 16-25 at Bishops House	
Ward(s) or groups affected:		All Wards	
Cabinet Member:		Councillor Jasmine Ali, Children, Schools and Adult Care	

FOREWORD – COUNCILLOR JASMINE ALI , CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE

The following proposal is for a new education provision for young people with special educational needs in Southwark. The facility will be based at Bishops House and will help young people transition from child to adult status and equip them with the learning and skills to make that transition as successful as possible.

There is a duty on the council that can be found in section 27 of the Children and Families Act 2014 to keep under review the educational, training and social care provision made in its area for children and young people with special needs or a disability. There is also a strong commitment in our forward plan to ensure equity of services and that no one is left behind. Developing this service will help move us in the right direction.

We know that our further education offer in the borough needs to be better developed. The new provision in our area will help the council provide truly local services. The new provision will build on our existing expansion of special educational needs local schools and help the council to improve our post-sixteen offer.

The DfE has committed £215 million of capital funding to help local authorities improve their local offer for young people requiring specialist services. The allocation for Southwark is £549,625 for each of the years from 2018 to 2021 a total of £1,648,875. This will enable the council to make the necessary maintenance work to keep this large listed building open to provide this much needed service.

The service will be run by Spa school who already run good services for children with special needs. I recommend that cabinet agree the recommendations in the paper which will enable us to open the facility in September 2018 and build up a number of students until we make further provision in the next few years for a larger service.

RECOMMENDATIONS

Cabinet to:

1. Further to priority 5 of the special educational needs and disabilities (SEND) capital strategy, to begin preparatory work to facilitate in-borough 16+ provision for pupils with complex SEND.

2. Note that Spa School to establish a specialist SEND education provision for children and young people with learning disabilities aged 16-25 at Bishops House.
3. Make a first tranche of the SEND capital fund allocation available to Spa school to make premises secure and fit for purpose for students to start in 2018-19.

BACKGROUND INFORMATION

4. There is a duty on the local authority in section 27 Children and Families Act 2014 to keep under review the educational, training and social care provision made in its area for children and young people with special educational needs or a disability, and it further must consider the extent to which the provision is sufficient to meet their educational, training and social care needs.
5. The government has committed £215 million of capital funding to help local authorities create new school places and improve existing facilities for children and young people with SEND in consultation with parents and providers. This funding can be invested in mainstream schools and academies, special units, special schools, early years settings and further education colleges, or to make other provision for children and young people aged from 0 to 25. The allocation for Southwark is £549,625 for each of the years 2018-19, 2019-20 and 2020-21, a total of £1,648,875.
6. The government requires local authorities to complete and publish a short plan that sets out how they intend to invest their allocation, which is visible to parents, carers and other local groups. The council have consulted upon and finalised the SEND Provision Strategy (Appendix 1) which identifies priorities for developing SEND educational provision for young people in Southwark to keep pace with demand, share best practice and expand the opportunities to access high quality provision so that it is locally available to Southwark young people and families who need it.
7. The change from statements of SEND in to education, health and care plans (EHCPs) in September 2014 extended Local Authority statutory responsibilities to assess and provide for SEND for children and young people from age 5-16 to age 0-25. Furthermore the Local Authority now directly funds all additional provision and placements for students with EHCP's until age 25 from the high needs block.
8. To fulfil the council's statutory duties and provide better value for money the council will facilitate Spa school to open a specialist college for young adults with learning difficulties aged 16 to 25 at Bishops House. The aim of the college would be to prepare the students for employment by offering work experience placements tailored to individual needs. The focus of these placements will be the structured teaching of vocational skills. Students will also gain accreditation in other areas.
9. Currently there is insufficient educational provision for people with learning difficulties aged 16 to 25 in Southwark. A post-16 specialist education provision within Southwark will keep some of most vulnerable young people close and provide better outcomes for students. It will also provide better value for money for Southwark. The fees will be lower than the fees charged by other specialist colleges used by Southwark young people and therefore reduce pressure on our

high needs block funding.

10. Spa is an outstanding special school for students with autism and learning difficulties aged 11-19 and has been running a successful work experience café for over five years. It has trained dozens of young people in a range of employment skills. Spa also offer a wide range of accredited qualifications to its sixth form pupils and has been successful in increasing the breadth of offer every year while maintaining an almost 100% pass rate. It has also developed close links with CareTrade, a local post-19 training provider for people with autism, and would utilise their knowledge when setting up programmes.

KEY ISSUES FOR CONSIDERATION

11. In Southwark and nationally the overall number of pupils with a statement or EHC plan has been increasing year on year. The number of children and young people with EHCPs in need of additional, different or specialised provision has increased by 27% over three years between 2014-2017 with a 10% increase between 2016-17. If this year on year trend continues, by 2021-2022 there could be as many as 2,900 children and young people with EHCPs with a need for additional places and high needs provision in Southwark's mainstream and special schools.
12. This has put a pressure on the number of commissioned places available in maintained provision and has meant an increase in the number of children and young people needing to access specialist, high-cost provision out of the borough.
13. Local further education (FE) provision has been judged by inspectors to be less than good since 2012 and despite recent improvements in opportunities for students in receipt of high needs funding, existing FE provision offers no progression or consistency for complex SEND students. Consequently they do not sustain engagement.
14. There is insufficient vocational training for SEND students and employment outcomes need to be improved. Students with high level/complex needs require long-term, individually supported work place programs as a key component of 16 - 25 provision if they are to develop the vocational and life skills to attain and sustain independent living – these opportunities are not currently offered locally.
15. The specialist provision would be a hub for adult disability in Southwark. In time associated services in addition to the college (with its enterprises) may be offered such as; outreach, training, family support and bespoke tuition services. Hosting CareTrade which would provide opportunities for shared resources, training and other professional development. The hub would play a key role in the All Age Disabilities Pathway for young people and adults with autism.
16. Spa is an outstanding provider and has a successful track record of setting and meeting ambitious goals for young people in collaboration with partners. It is essential therefore that the quality, growth and success of this specialist provision be kept under regular review to enable advance planning for alternative or additional sites as the college expands.
17. Governance: The specialist provision would be a not-for profit organisation. Spa School's Headteacher and Deputy Head would be Trustees and advisors, and

would liaise with the Local Authority to determine the constitution of the board. The board would reflect expertise in adult education, autism and learning disabilities, safeguarding, finance and HR.

18. The specialist provision would work closely with Southwark Adult Services and would prioritise young people from within the borough.
19. Students aged 16-25 placed in Independent Specialist Provisions (ISPs) and Children in Care and Care Leavers usually have a combination of education, care and health needs. Cohort size has ranged from 24 to 32 students over the past four years. This is a relatively stable cohort although numbers may rise with population growth. These students have their SEND identified earlier in their education if not before, so needs in the 16 to 25 age group are relatively easy to predict and plan for. ISP placements incur education, social care, health and transport costs.

Students in ISPs 2014-17

	Number of students	Education	Social Care	Health	Transport	Total cost
2016-17	32	£1,467,436.03	£487,674.63	£50,539.48	£459,705.00	£2,465,355.14
2015-16	24	£1,159,224.75	£375,773.90	£25,881.70	Not available*	
2014-15	24	£1,057,359.96	£504,991.38	£34,460.71	Not available*	
2013-14	29	£1,346,149.47	£289,309.88	£51910.98	Not available*	

20. The establishment of specialist SEND education provision for children and young people with leaning disabilities, aged 16-25 presents opportunities for significant immediate and ongoing savings in SEND (education) and Social Care placement costs. Southwark currently places 32 students in independent special colleges at an average education cost of £45,000 per annum per placement.. There is also an average additional cost of £31,000 per placement from social care, health and to cover transport. The projected place cost for local SEND college provision when established and registered is £30,000 - a saving of 33% per student with the expectation of reduced costs against other budgets particularly transport.

21. Savings / Reduced expenditure over time.

YEAR	NEW PROVISION	ADDITIONAL PLACES	PROJECTED SAVING (TOP UP FUNDING) £
2018-19	Southwark specialist SEND education provision (Post-16)	8	120,000.00
2019-20	Southwark SEN College(Post-19)	20	300,000.00
2020-21	Southwark SEN College	32	480,000.00

22. To make local provision available and begin reducing excess expenditure from the high needs block as soon as possible the LA proposes to move forward on commissioning local 16+ complex SEND places. The authority would make available £150,000 from the SEND capital fund allocation to Spa school, so that

preparatory works can begin immediately to ensure an initial cohort can attend the provision in September 2018 (appendix 2).

Policy implications

23. There is a duty on the local authority in section 27 Children and Families Act 2014. The local authority is required to keep under review the educational, training and social care provision made in its area for children and young people with special educational needs or a disability, and further must consider the extent to which the provision is sufficient to meet their educational, training and social care needs.
24. This proposal is in line with the council's vision for a fairer future, and the Council Plan priorities for 2018-19 – 2021-22 of a great start in life, and a full employment borough. This will ensure that our young people with SEND have as much opportunity to receive outstanding education and access to training, apprenticeships and employment.

Community impact statement

25. The Public Sector Equality Duty, at section 149 of the Equality Act, requires public bodies to have due regard when carrying out their activities to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics and those with none. The council's Approach to Equality ("the approach") commits the council to ensuring that equality is an integral part of our day to day business.
26. "Protected characteristics" are the grounds upon which discrimination is unlawful - the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. In this case, the characteristics covering gender reassignment, marriage and civil partnership, pregnancy and maternity, and sexual orientation are unlikely to be issues for consideration in the expansion of the schools in question.
27. An equalities and health analysis demonstrate that the establishment of post-16 provision shows no potential for discrimination, but rather advances equality of opportunity and fosters good relations between people with protected characteristics. Enabling the expansion of post-16 provision to meet demand has the potential to advance equality of opportunity, and foster good relations between people with protected characteristics and those with none.
28. There are no specific equality implications as regards age, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. For disability, the strategy and the enabling of a post-19 facility presents considerable opportunities to advance equalities for service users with learning disabilities, including autistic spectrum disorder (ASD).

Resource implications

29. As stated in the "Key issues for consideration" section, establishing a specialist SEND provision post-16 has positive financial implications in the access to grant monies and on existing and planned expenditure from the high needs block and other areas of Children and Adults Services. The average cost of out of borough placements of all kinds for young people of statutory school age is £37,146 per pupil. We also drew attention to the fact that, on addition to providing for increasing

demand and offering Southwark families choice, the additional in-borough special places will offer considerable savings with many less expensive out-of-borough placements being made. This is also the case regarding the expanded secondary (ASD) resource base offer.

Legal implications

30. See advice from director of law and democracy.

Financial implications

31. The cost of placements for SEND pupil is met from the High Needs block of the Dedicated Schools Grant. The number of pupils with SEND is expected to grow while the funding from central government is not expected to increase in line with this. This strategy is built to control the cost of provision. There is a risk that that demand for places outstrips the provision.
32. Further financial and policy strategies are being worked on alongside this report to ensure that the high needs expenditure remains with the resources available. The Schools Forum setup a sub-group on the 22 March 2018 to work with the Local Authority to ensure that the High Needs block will be in balance in the future. There is no immediate impact on the Core Funding.
33. The proposal to provide for in-borough 16+ provision will be met fully from a capital grant. The revenue funding will need to be met from the High Needs block but will be at a lower cost than out of borough provision.
34. If the venture fails the council may be liable for any redundancy payments made to staff employed or the cost of termination clauses in contracts.
35. The precise terms of reference of the capital grant have not be received but it is believed that if the venture fails there will be no clawback of the grant, but there is a risk that this may happen.
36. In order to set up the provision, costs will need to be incurred before it is open. Such costs include management and teaching costs to ensure it can open and be fully operational on the first day of the academic year. It is estimated that these costs will be £160k (this is being reviewed with Finance) but this will be subject to negotiations on property costs. The costs will fall on the DSG High Needs block.
37. Updated financial business case will need to be brought together to ensure the unit is financial viable in the long term if there are time delays.
38. The provision will be about future cost avoidance initially, moving into savings and there is a risk that if the unit is not full it will increase the unit costs. This will be especially true in the early years as the unit establishes itself.

Consultation

39. Consultation with parents and community as to SEND priorities was undertaken in March 2018, as part of the requirement for funding from the DfE for the SEND capital strategy. The responses overwhelming identified 16+ opportunities for young people with SEND as a gap.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

40. The report seeks the cabinet approval to the commencement of preparatory works to facilitate the provision of places for young people aged 16-25 and to make funds available to Spa school to secure the site at Bishops House for this purpose.
41. The report advises that the government has made available new capital funding to enable local authorities to invest in provision for children and young people with SEND aged 0-25, to improve the quality and range of provision available. The government has published guidance (*Special Provision Capital Fund Guidance*, August 2017) setting out criteria for how the funding is to be applied.
42. The report refers to the duty on the local authority in section 27 Children and Families Act 2014. The local authority is required to keep under review the educational, training and social care provision made in its area for children and young people with special educational needs or a disability, and further must consider the extent to which the provision is sufficient to meet their educational, training and social care needs. Further, in relation to education and training of young people over compulsory school age, the local authority must secure that enough suitable education and training is provided to meet the reasonable needs of this group (section 15ZA Education Act 1996). It can therefore be said that the recommendations in this report are directed at the provision of education for children and young people with SEND, and giving approval to preparatory works to facilitate provision described in the report is consistent with the council's duties outlined here.
43. With reference to the consultation referred to in the report, the council must adhere to the principles enshrined in *R (Moseley) v Haringey London Borough Council* (2014), namely that consultation must always (i) take place at a formative stage; (ii) give sufficient reasons to permit intelligent consideration and response; and (iii) give adequate time for a response. Further, the response to a consultation must be conscientiously taken into account by a decision-maker before finalising any proposal.
44. As regards the community impact statement of the report, section 149 Equality Act 2010 requires the council, in the exercise of all its functions, to have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The duty is an ongoing one.

Strategic Director of Finance and Governance

45. The capital costs of the scheme are to be funded from the SEND specific capital grant. The revenue costs will be a call on the DSG high needs block which is currently in a deficit position of £4.1m as at 31 March 2018. The financial justification for investment from the DSG is that this will lead to future cost avoidance with the placements costs being less than out of borough/ independent provision. This will also ensure that transport costs which are a charge on the local authority budget can be contained.
46. The Schools Forum were consulted on this scheme at their 5 July meeting and the impact upon the DSG and have given approval to this. They are aware that this forms part of a financial recovery plan which is being developed with Schools Forum and is being overseen by the council's budget recovery board.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	SEND Capital Strategy (circulated separately)
Appendix 2	Timeline for Establishing Provision (circulated separately)

AUDIT TRAIL

Cabinet Member	Councillor Jasmine Ali, Children, Schools and Adult Care	
Lead Officer	Nina Dohel, Director of Education	
Report Author	Ian Morris, Senior Advisor SEN/Inclusion (0-19 Standards)	
Version	Final	
Dated	12 July 2018	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Officer Title	Comments Sought
	Director of Law and Democracy	Yes
	Strategic Director of Finance and Governance	Yes
	Cabinet Member	Yes
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