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| Report to: | Cabinet |
| Date of Meeting(s): | Thursday 22 November 2018 |
| Subject: | Specialist Provision Review |
| Report of: | Director - Children and Families |
| Contact Officer: | Catherine Pealing |
| Cabinet Portfolio Holder and area: | Portfolio Holder for Children and Families – Councillor J Bullen |

Summary: The report seeks approval for a pre-publication consultation on the development of specialist provision across the borough for children and young people with special educational needs and disabilities (SEND). This is to improve the offer to our children and young people by increasing capacity, developing new provision within mainstream and significantly improving the condition of our special school buildings.

Link to Corporate Priorities:

Confident Places

- Improving economic and social opportunities;
- An attractive, accessible and lively borough, with a prosperous economy as the location of choice for investment.

Confident People

- Protecting vulnerable groups and enhancing self-reliance, improving life opportunities and independence for everyone to start well, live well and age well;
- Particularly for those most dependent on public services.

Confident Council

- Your Council has re-focused its reduced resources towards early intervention and prevention to achieve more for less – integrating public services around whole

life issues to build self-reliance and maximising community assets.

Wards Affected:

All

Recommendation(s):

The Cabinet are asked to agree to the Council going out to pre-publication consultation.

Implications:

*What are the **financial** implications?*

The total project cost based on current proposal is approximately £34million. Schools capital of approximately £10million could be committed. In addition there may be an opportunity to access s106 funds to address some of the shortfall. Although further funding would need to be sourced and a financial strategy developed.

Subject to further funding being identified then the whole project could be delivered over a period of 1 to 5 years.

A business case will need to be provided to demonstrate the financial viability of this scheme. It is not envisaged that this will bring savings to the council but rather is a cost avoidance scheme.

Is budget release necessary (Capital Expenditure Only)?

Yes. Capital allocated for school places initially of approximately £10million to begin the first phase.

*What are the **legal** implications?*

If we do nothing, it is likely that we will be unable to meet our statutory duty to provide suitable and safe educational places for children with special educational needs and disabilities.

*What are the **staffing** implications?*

There are no known implications for staff at this stage.

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Attached

*What are the **property** implications in terms of reduction, addition or change to the council's asset base or its occupation?*

The proposals are around addressing condition and capacity issues of our current special school buildings. There are proposals to re-locate and to rebuild on existing council owned land.

Risks:

The risks for not agreeing the work are that are children continue to be educated in buildings that are no longer fit for purpose and present a health

and safety risk. If we do not enlarge the schools we risk sending more children out of the borough where costs will escalate, putting an already overspent budget (High Needs Block) under further pressure. This will also affect the reputation of the council if we continue not to provide for our children within our borough.

Sustainability:

The benefits to the council will include finance in relation to cost avoidance; reputation because it would mean a significant investment into the teaching and learning of some of our most vulnerable children, demonstrating the value the council places on these children and young people and socially as it will allow children to be educated closer to their communities..

Has the Assistant Director - Legal (Monitoring Officer) (Brendan Whitworth) confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the Director Resources and Contracts (Deputy Chief Executive)(Paul McKeivitt) confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

The alternative is to do nothing and to continue to meet the maintenance costs of our current special school provision as well as the increasing expense of placing children out of our borough in specialist provision, we are unable to provide. Further detail is given in the report.

Is this a Key Decision and, if so, under which definition?

- (1) Yes - to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (2) Yes - to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

The Key decision made as a result of this report will be published within **48 hours** and cannot be actioned

until **seven working days** have elapsed, i.e. before 4 December 2018 unless exempt from call-in.
This item is included on the Forward Plan.

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| Directorate Sign-off: | James Winterbottom |
| Date: | 13 November 2018 |

Please list any appendices:-

| Appendix number or letter | Description |
|----------------------------------|---|
| Appendix 1 | Ofsted SEND Inspection Letter |
| Appendix 3 | Pupil growth and demand tables, financial breakdown |
| Appendix 4 | Consultation |

1. Executive Summary

- 1.1 There are currently approximately 7000 children and young people with Special Education Needs and Disabilities (SEND) in the Wigan Borough educated across a range of provisions. 1700 of these children have an Education and Health Care Plan (EHCP) and the numbers continue to grow, which reflects the pattern nationally.
- 1.2 Across the country most local authorities are reporting significant concern as demand for specialist provision increases and many more children and their families are becoming increasingly dissatisfied with the education offer and the effectiveness of the school based support for the inclusion of their children in mainstream settings.
- 1.3 The DfE are aware of these national challenges; there is pressure to maintain children in mainstream provision, which conflicts with school and local authority budget pressures, together with a more challenging national curriculum and the national attainment measures that create increasing academic expectations for schools alongside a punitive inspection process.
- 1.4 In brief the current position in Wigan is:
- We no longer have enough Special Schools in the borough to meet demand.
 - We do not have enough alternative provision to meet demand.
 - There is a significant shortage in out of borough provision and the cost for such provision is increasing.
 - The High Needs revenue budget provided by government to support this is not sufficient to meet current and growing demand.
 - The current specialist buildings have significant suitability issues that need addressing for both capacity and condition.
 - There are further capacity issues within our own support services in meeting this increasing demand.
 - Our mainstream schools are struggling to maintain their previous high levels of inclusivity.
- 1.5 We have spent the last 2 years undertaking a more detailed analysis of what we need to do to meet the needs of these children and young people, the outcomes of which were positively recognised through Ofsted's recent Local Area inspection of SEND – Appendix 1. As we embark on a detailed and wide reaching transformation programme for SEND there is an opportunity for us to think differently and to plan spend more strategically. There are 3 main parallel priorities:
1. To ensure our special school stock is fit for purpose
 2. To develop the inclusion strategy with our mainstream schools to reduce demand.
 3. To support effective transition to adulthood for young people with additional needs in line with our deal principles and in their own communities.

2. Background:

- 2.1 Giving children and young people the best start in life is core to our delivery of The Deal. We want all children to be able to grow up as confident and resilient individuals that are able to use their skills and talents and feel connected to their communities.
- 2.2 Supporting children with special educational needs and disabilities (SEND) and their families is central to this ambition and to this end we have developed a transformation programme.

- 2.3 The programme is considering how to best support children and families from pre-birth through to transition for adulthood. This includes;
- Identification of needs at the earliest point in a child's life.
 - Appropriate assessments without delay
 - The right support in the right environment to enable them to achieve the best outcomes academically, socially and emotionally
 - Preparing them for adulthood and having appropriate opportunities available to them to achieve.
- 2.4 At present, 768 students are accessing a special school or resourced place. The latest projections suggest demand for a special school or resourced place will increase by 35% by 2036. Over the past 4-5 years, numbers have increased by approximately 4% and we are now facing real challenges in placing students within our special schools. Those students we cannot place with one of our schools will be placed out of borough. The cost of external Out of Borough (OOB) places significantly exceeds the cost of an internal placement. We also face issues on capacity within our alternative provision at Three Towers.
- 2.5 As rising demand is both a regional and national issue we are now really struggling to find good quality, affordable external placements. This puts us at risk of failing to meet our statutory duties. It also inflates the costs. We know that nationally, insufficient places are being planned. We also know that locally, some of the other surrounding LA's are planning to expand their SEND estates whilst others continue to put pressure on external placements. Increased demand and limited supply will further inflate costs. We either allow the government's perceived 'new market' to emerge or we invest locally in meeting this demand.
- 2.6 Our proposals will enable us to keep more children in the borough and to save on the revenue budget (cost avoidance). This comes at a time when the High Needs revenue fund is under significant pressure and reported a £1m overspend in 17/18. We are expecting to report a similar overspend in 18/19.
- 2.7 The proposal under review seeks to address the following issues –:
- Increasing capacity of the SEND Estate to reduce the rising cost of external placements.
 - A rationalisation of the existing SEND estate to better suit the current and future learning, social and health needs
 - Creatively working with our most vulnerable children in the mainstream educational system through offering alternative re-engaging approaches to support them and their families and reduce potential failure.
- Addressing Condition Issue in special schools.:

3. Case for change

3.1 Demand

- 3.2 Our existing SEND schools do not have enough places to accommodate our students. The latest projections suggest demand for a special school or resourced place will increase by 35% by 2036. Over the past 4-5 years, numbers have increased by approximately 4% and we are now facing real challenges in placing students within our special schools. See Appendix 3 for pupil growth and demand tables. Due to current demand and capacity, all of our special schools apart from Newbridge are undersized.

3.3 Condition

- 3.4 The Council historically maintains its buildings and as such, the investment to address Priority One repairs across the full SEND Estate is minimal. However, the picture changes when projected forward by 3 to 5 years. Three of our six SEND schools are based in buildings that have exceeded their design life significantly and now have temporary modular accommodation. The 3-5 year projection is significant because, if commissioned today, the renewal of the SEND Estate will take 3 to 5 years to design, procure and construct.

4. Consultation

- 4.1 In March-May 2018 an informal consultation was undertaken with key stakeholders including schools and parents. A summary of the responses are attached at appendix 4.

5. Increasing inclusion

5.1 Supporting vulnerable children in the mainstream educational system

- 5.2 In addition to reviewing our special school stock, we are also reviewing all other aspects of SENDs through a SEND transformation programme to ensure we are working as efficiently as possible so that the limited funding we are allocated through high needs is being redirected to the rising costs of placing children
- 5.3 The agreed creation of three new early intervention Engagement Centres to support mainstream provision will help reduce long term demand for places in the SEND Estates and address some of the ongoing problems experienced. Intervention will however help reduce long term demand for places.

6. Proposals for SEND estate (Feasibility Study Appendix 2a & 2b)

- 6.1 In December 2017, we asked NPS to undertake a full review of their strategic brief to expand our Special Needs School Estate.
- 6.2 Since this review began, there has been increasing demand for complex needs places, in particular at Hope School. In the last 6 months we have had to invest further Capital in the building to make adjustments to allow additional pupils in as well as committing £300k to replace a mobile that collapsed. Therefore Hope school has now become a priority alongside Rowantree in the first phase of development and would exceed the need of the required changes to Landgate and Oakfield, which would now need to be completed in Phase 2.
- 6.3 Phase 2 includes Willow Grove because a strategic decision to either relocate to a new building or refurbish and extend on the existing site, will require review and ratification by the Council. Newbridge is included within Phase 2 because the Council needs to review the strategic decision to extend on the existing site or build on another site.
- 6.4 Resourced provision needs to be considered alongside the above. Our primary and secondary schools need to be consulted on this offer.

7. FUNDING

- 7.1 The Directorate currently have £10m of Basic Need available to contribute towards the proposal. We want to complete all work required but will phase in when we have completed a full review of available Capital funds and borrowing required against the results of the

consultation. We are developing this strategic case alongside Adult Services in line with the Housing for Health programme.

- 7.2 The long term benefits of keeping children in borough are much greater to us as we implement our Deal principles and can provide better wrap around services in the child/young person's community. This closer local support and earlier intervention will likely reduce the potentially high cost demand when children move into adulthood. If we are able to support children appropriately and change their life course at a much earlier age, the financial savings to other services due to issues of mental health, drugs, crime, homelessness, children in care etc., will be significant.
- 7.3 Wigan invited other Local Authorities to submit expression of interests to a joint investment bid. After a face to face meeting with a number of interested parties only 1 authority has expressed an interest. This is currently still being investigated and is likely to be an application through the free school process for ASC /SEMH provision by Warrington.

8 RISKS

- Academisation - would mean we need to relinquish control of the asset as well as losing control over pricing / top up bandings. This could lead to higher costs in terms of higher charging and potential refusal to take children that then need to be placed out of the borough.
- Demand is higher than predicted
- Changes to the funding formula

9 FINANCIAL CONCLUSIONS

- 9.1 This is primarily about cost avoidance until demand can be managed through better provision and inclusion. There are cashable savings if we can stop using independent provision.

10 Proposals:

- To go out to pre-consultation on a range of proposals to improve the condition of our special schools and resourced provision.
- To be ambitious about our special school estate to meet the needs of our children and to rectify the issue of capacity and state of the buildings and reduce the need for expensive out of borough options.
- Alongside this we will work across the partnership on the transformation programme to increase inclusion and reduce the demand on specialist provision.
- We will develop a prioritised timeline for new build / extensions / improvements.
- To do all that is necessary will require agreement to re-profile / prioritise the current corporate capital programme and / or additional borrowing.

Equality Impact Assessment of a Strategy

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| Service: Children and Young People's | Section: Education – SEND/Inclusion |
| Responsible Officer: Cath Pealing | Name of strategy assessed: SEND Transformation |
| Date of Assessment: September 2018 Officers Involved: | |
| 1. What is the purpose of the strategy? <i>(Briefly describe the aims, objectives and purposes of the strategy)</i> | |
| <p>Wigan Council is committed to the radical re-design of young people's transition into adulthood that will transform the experience for young people and their families and lay the foundations for valued and meaningful lives. This will benefit all young people with additional needs in Wigan, as we believe if we get it right for this group of customers we will transform the experience of transition for everyone. There will also be a financial benefit to the health and social care economy as a positive transition experience, supporting people into purposeful and valued adulthood will reduce inappropriate and expensive out of borough placements, long term overdependence on health and social care services and the costs of avoidable crisis.</p> <p>Our vision for what good looks like: Preparing for adulthood is a positive experience for young people and their families, which takes place throughout their childhood, laying the foundations for a fulfilled and valued life.</p> | |
| 2. Who are the key stakeholders? | |
| <p>Schools, Colleges, Specialist Providers, Learning Disability Partnership Board, Embrace (peer led community organisation), parent and carer forum, Wigan Council (adults, children's, housing, Public Health), NHS (CCG, hospital and community), leisure, employment, criminal justice.</p> | |

3. Are there any other documents/strategies linked to this strategy?

The work will link to and support the GM Learning Disability Strategy and Wigan strategic priorities – The Wigan Deal and Deal for the Future. It will be aligned to our commitment to make Wigan an autism friendly town and connect locally with the reform of SEND and our ongoing transformation of adult social care. It will be part of the Wigan Adult Social Care five year plan, which uses Care 2020 as the framework and link to 2018/19 priority to upscale supported employment

The project will bridge the ongoing reform of adult and children’s services and will connect to the development of integrated strategic commissioning and the Health Wigan Partnership (LCO)

4. Which need/s is the strategy designed to meet?

5. Has a needs analysis been undertaken?

- Internal audits
- Assessment of all of our special school stock
- Reviewed provision and need
- Held some consultations
- Completed SEF
- Commissioned Independent Strategic review

6. Who is affected by the strategy?

- providers of education
- parent/carers
- social care,
- health,
- Wigan Council officers

7. Who has been involved in the development of the strategy and who has been consulted? State your consultation/involvement methodology.

Schools, Colleges, Specialist Providers, Learning Disability Partnership Board, Embrace (peer led community organisation), parent and carer forum, Wigan Council (adults, children's, housing, Public Health), NHS (CCG, hospital and community), CAMHS, Inspiring Healthy Lifestyles, Employment and Skills, Aspiring Futures, criminal justice, children, young people, parent/carers, Supported Employment.

We have conducted paper based consultations, carried out various focus groups and held a number of briefing and consultation events.

8. What data have you considered for this assessment and have any gaps in the data been identified. What action will be taken to close any data gaps?

9. What impact will the strategy have on all the protected groups?

- **Different conversations** - A new relationship between public services and residents that enables shared decision making, genuine co-production and joint delivery of services.
- **An asset based approach** that recognises and builds on the strengths of individuals, families and communities.
- **Integrated services** that place families and communities at the heart of everything.
- **An engaged workforce** with core behaviours and values, be positive, be courageous, and be accountable with permissions to innovate
- **Use of new technology** to support residents to be independent and in control, enabling them to access services and support digitally.
- **Confident Communities**, building community capacity and connection, self-reliance and independence

Race Equality

All children regardless of race will be included.

Disabled People

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| The strategy will benefit children who are disabled. |
| Carers |
| The strategy will support parents/carers of those children who have SEND. |
| Gender |
| The strategy will support all children regardless of gender. |
| Age |
| The strategy will support all children from 0 to 25. Supporting transition to adulthood. |
| Armed Forces Personnel |
| Children of Armed Forces Personnel will included. |
| Religion or Belief |
| There will be fair access to all children with SEND regardless of religion or belief. |
| Sexual Orientation |
| Sexual orientation will not prevent access to appropriate SEND provision. |
| Gender Reassignment |
| n/a |
| Pregnant Women or Those on Maternity Leave |
| There will be fair access to services and consultation to all in this category. |
| Marriage or Civil Partnership |
| n/a |

10. What are your main conclusions from this analysis?

- Number of additional requests for EHCPs not always appropriate
- Demand for additional funds increasing, leaving a deficit budget.
- Increased demand for Specialist provision by families
- Current Special School Buildings not fit for purpose
- Support Services capacity to support the transitional work
- Autism delays & increase in diagnoses, development of the Neurodevelopmental Pathway
- Support for managing behaviour at home
- Effective transition arrangements to enable young people to be prepared for adulthood
- Academic performance to improve for children and young people with SEND
- Mental Health increasing in demand, drain on CAMHs service
Primary & Secondary school tolerance of children and young people with SEND and SEMH

11. What are your recommendations?

- More focus on children receiving SEN support in school
- Mainstreaming SEND improving tolerance of mainstream schools
- Value for money
- Improvements in joint commissioning with social care and health
- Co-production with families at operational and strategic level
- Amendments, quality and annual review of plans, must be accessible to young people and parent/carers (in their language)
- Developing new provision should be based around intelligence, being needs led and not provision led.
- Local authorities should be able to demonstrate how they are keeping up with the day job, and putting the statutory duties in the forefront

12. What equality targets and actions have you set based on the findings of this assessment? Please attach an action plan including details of designated officers responsible for completing these actions.

Signed (Completing Officer): _____ Date: _____

Signed (Assistant Director): _____ Date: _____
