

## Decision Report – Cabinet Member Key Decision

decision date – 29<sup>th</sup> April 2019

### Use of Special Provision Capital Fund Allocation

Cabinet Member(s):

Cllr Frances Nicholson – Cabinet Member for Children & Families

Division and Local Member(s): All

Lead Officer: Annette Perrington – Assistant Director for Inclusion

Author: Phil Curd – Strategic Manager – Access & Additional Learning Needs

Contact Details: 01823 355165

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	17/04/19
	Monitoring Officer	Scott Wooldridge	01/04/19
	Corporate Finance	Sheila Collins	17/04/19
	Human Resources	Chris Squire	03/04/19
	Property	Paula Hewitt	01/04/19
	Procurement / ICT	Simon Clifford	17/04/19
	Senior Manager	Julian Wooster	17/04/19
	Commissioning Development Team	Vikki Hearn	04/04/19
	Local Member(s)	All	17/04/19
	Cabinet Member	Cllr Frances Nicholson	03/04/19
	Opposition Spokesperson	Cllr Jane Lock	17/04/19
	Relevant Scrutiny Chairman	Cllr Leigh Redman	17/04/19
<b>Forward Plan Reference:</b>	FP/19/03/05		
<b>Summary:</b>	<p>The special provision fund allocations announced on 4 March 2017 are to support local authorities (LAs) to make capital investments in provision for pupils with special educational needs and disabilities.</p> <p>Local authorities can invest in new places and improvements to facilities for pupils with education, health and care (EHC) plans in mainstream and special schools, nurseries, colleges and other provision.</p> <p>This decision will confirm how Somerset will utilise the remainder of its revised allocation.</p>		
<b>Recommendations:</b>	<p><b>That the Cabinet Member for Children and Families and the Cabinet Member for Education and Transformation:</b></p> <ul style="list-style-type: none"> <li>• <b>Agrees to utilise the Local Authority’s Special Provision Capital Fund allocation to deliver projects which meet</b></li> </ul>		

	<p><b>the following criteria:</b></p> <ul style="list-style-type: none"> <li>○ <b>Reasonable adjustments in mainstream schools across Somerset to meet the needs for pupils with physical impairments / disabilities or complex medical needs.</b></li> <li>○ <b>Reasonable adjustments in FE Colleges across Somerset to meet the needs for pupils with physical impairments / disabilities or complex medical needs.</b></li> <li>○ <b>Works which upgrade the facilities of maintained special schools across Somerset to enable them to meet the therapeutic and sensory needs of children with complex, physical, medical and sensory conditions.</b></li> <li>○ <b>Works which provide nurturing environments in maintained mainstream schools across Somerset to enable them to meet the needs of children with behaviours which cause challenge.</b></li> </ul> <ul style="list-style-type: none"> <li>● <b>Delegates authority to the Director Children’s Services to take decisions, where required, to award contracts for works relating to projects covered by the criteria listed above.</b></li> </ul>
<p><b>Reasons for Recommendations:</b></p>	<p>Local Authorities are expected to make decisions in consultation with local stakeholders.</p> <p>As engagement with parents, children and young people is crucial, we worked in partnership with Somerset Parent Carer Forum to hold a series of consultation events through the early part of 2019 and the feedback was used to inform the recommendations listed above.</p> <p>The recommendations not only take in to account the views of stakeholders but also consider ‘Local First’ approach of the Local Authority and its aim to reduce its reliance on special school places in the independent sector.</p>
<p><b>Links to County Vision, Business Plan and Medium Term Financial Strategy:</b></p>	<p>The recommendations link to the following elements of the Business Plan which underpins the County Council Vision:</p> <p><i>“Overcome inequalities in Educational outcomes, Economic opportunity, Access to services and Life chances and aspirations”</i></p> <p><i>“Protect vulnerable children and adults and support them to reach their potential”</i></p> <p><i>“Work to create a county where people can aspire and achieve without being held back by their background or circumstances”</i></p>

	<p>The recommendations also align to the 'Local First' approach of Somerset's SEND Strategy.</p>								
<p><b>Consultations and co-production undertaken:</b></p>	<p>Local Authorities are expected to make decisions in consultation with local stakeholders.</p> <p>As engagement with parents, children and young people is crucial, we worked in partnership with Somerset Parent Carer Forum to hold a series of consultation events through the early part of 2019 and the feedback was used to inform the recommendations listed above.</p> <p>Those events were held on:</p> <p>30/01/19 in Minehead  05/02/19 in Bridgwater  08/02/19 in Frome  11/02/19 in Compton Dundon  15/02/19 in Wincanton  25/03/19 in Yeovil</p> <p>At those events, parents, carers and other stakeholders were asked whether or not they supported the proposal.</p> <p>103 responses supported the proposal.  1 response did not support the proposal.</p>								
<p><b>Financial Implications:</b></p>	<p>The Department for Education is providing £365 million of special provision fund allocations for the financial years 2018-19 to 2020-21. Somerset's allocation, as defined in January 2019, is outlined below:</p> <table data-bbox="544 1420 997 1568"> <tr> <td>2018/19</td> <td>£572,132</td> </tr> <tr> <td>2019/20</td> <td>£1,170,873</td> </tr> <tr> <td>2020/21</td> <td>£1,170,873</td> </tr> <tr> <td><b>Total allocation</b></td> <td><b>£2,913,878</b></td> </tr> </table> <p>These allocations are to support the Local Authority to create new places and improve facilities for pupils with more complex special educational needs (i.e. an EHC plan or a Statement of Special Educational Needs) in mainstream and/or special schools.</p> <p>This will reduce revenue pressures relating to school transport and placement costs in independent &amp; non-maintained schools, by keeping children closer to home in a maintained setting.</p> <p>The Local Authority must indicate how it will utilise the funding by 31<sup>st</sup> May 2019.</p>	2018/19	£572,132	2019/20	£1,170,873	2020/21	£1,170,873	<b>Total allocation</b>	<b>£2,913,878</b>
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<b>Legal Implications:</b>	Any procurement activities relating to resulting projects will be compliant with the Council's Contract Standing Orders.					
<b>HR Implications:</b>	None identified					
<b>Risk Implications:</b>	There is a risk that funding could be withheld if the LA does not publish its funding plans by 31 <sup>st</sup> May 2019. This would be a significant loss of investment for the LA.					
	<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>6</b>
<b>Other Implications (including due regard implications):</b>	<p><b><u>Equalities Implications</u></b></p> <p>Projects that are delivered in relation to this funding will ensure alignment with statutory obligations set out in Equality legislation and that brought together under the umbrella provisions of the Equality Act 2010</p> <p><b><u>Community Safety Implications</u></b></p> <p>Improved access to education will have a positive impact on community safety. Improved access to quality educational facilities could serve to reduce the likelihood of low level anti-social behaviour and improve children's chances to thrive long term.</p> <p><b><u>Sustainability Implications</u></b></p> <p>Capital projects will make best use of sustainable material / technology</p> <p><b><u>Health and Safety Implications</u></b></p> <p>Risks involved in any building works will be managed by the appointed contractor through their construction Health and Safety Plan required for all such projects.</p> <p>Once opened, Health and Safety of the site will be the responsibility of the school.</p> <p><b><u>Privacy Implications</u></b></p> <p>No identified implications.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>Projects will support schools to be able to meet the therapeutic and sensory needs of local children with complex, physical, medical and sensory conditions.</p>					

	<p><b><u>Social Value</u></b></p> <p>Contractors will typically deliver a range of socially responsible activities as part of their contracts.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• Employment opportunities through apprenticeships and traineeships</li> <li>• Local procurement and employment</li> </ul>
<b>Scrutiny comments / recommendation (if any):</b>	None received.

## 1. Background

<b>1.1.</b>	<p>The special provision fund allocations announced on 4 March 2017 are to support local authorities (LAs) to make capital investments in provision for pupils with special educational needs and disabilities.</p> <p>Local authorities can invest in new places and improvements to facilities for pupils with education, health and care (EHC) plans in mainstream and special schools, nurseries, colleges and other provision.</p> <p>In May 2018 and December 2018 the DfE increased to total fund, increasing Somerset's allocation from £1.716m to £2.913m.</p>								
<b>1.2.</b>	<p><b>Allocations for 2018-19 to 2020-21</b></p> <p>The Department for Education is providing £365 million of special provision fund allocations for the financial years 2018-19 to 2020-21. Somerset's allocation, as defined in January 2019, is outlined below:</p> <table> <tr> <td>2018/19</td> <td>£572,132</td> </tr> <tr> <td>2019/20</td> <td>£1,170,873</td> </tr> <tr> <td>2020/21</td> <td>£1,170,873</td> </tr> <tr> <td><b>Total allocation</b></td> <td><b>£2,913,878</b></td> </tr> </table> <p>These allocations are to support the Local Authority to create new places and improve facilities for pupils with more complex special educational needs (i.e. an EHC plan or a Statement of Special Educational Needs) in mainstream and/or special schools.</p>	2018/19	£572,132	2019/20	£1,170,873	2020/21	£1,170,873	<b>Total allocation</b>	<b>£2,913,878</b>
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<b>Total allocation</b>	<b>£2,913,878</b>								
<b>1.3.</b>	<p><b>Consultation</b></p> <p>Local Authorities are expected to make decisions in consultation with local stakeholders.</p> <p>As engagement with parents and young people is crucial, we worked in partnership with Somerset Parent Carer Forum to hold a series of consultation events through the early part of 2019 and the feedback was used to inform this</p>								

	decision.
<b>1.4.</b>	<p><b>Work to Date</b></p> <p>In June 2017, a series of similar events were held and the feedback at that time was for the allocated funding to be used to provide reasonable adjustments at mainstream schools across Somerset to meet the needs for pupils with physical impairments / disabilities or complex medical needs.</p> <p>As a result the LA was able to fund a number of projects, most notably at:</p> <ul style="list-style-type: none"> <li>• Milford Junior School, Yeovil – Hygiene room and therapy suite</li> <li>• Preston Academy – Hygiene room and therapy suite</li> <li>• Puriton Primary School – Accessible toilet and site adjustments</li> </ul> <p>A number of other small-scale projects have also been delivered and will continue to be delivered during the early part of 2019.</p>

## **2. Options considered and reasons for rejecting them**

- 2.1.** An existing decision would allow this funding to continue to be used solely for the following purpose:

*Reasonable adjustments in mainstream schools across Somerset to meet the needs for pupils with physical impairments / disabilities or complex medical needs.*

As demand for these types of work has reduced, there was a risk that the allocation would not be fully utilised, and funding withheld by the DfE.

## **3. Background Papers**

- 3.1** None

# Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

<b>Version</b>	<b>1.0</b>	<b>Date</b>	<b>19<sup>th</sup> March 2019</b>
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## Description of what is being impact assessed

Utilisation of the LA's Special Provision Fund allocation.

## Evidence

**What data/information have you used to assess how this policy/service might impact on protected groups?** Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#),, should be detailed here

Population, SEND and MAISEY data has been analysed to understand need for specialist or adapted provision in Somerset. This projection data then informs capital investment bids and the subsequent projects they deliver.

**Who have you consulted with to assess possible impact on protected groups?** If you have not consulted other people, please explain why?

A number of stakeholders have been engaged to understand the impact of delivering these projects and the feedback is entirely positive.

Those stakeholders include school leaders, educational psychologists, Somerset Parent Carer Forum (parents & children) and

advisory teachers.

### Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
<b>Age</b>	<ul style="list-style-type: none"> <li>This will provide a high quality, adapted school environments, for children aged 4-16</li> </ul>	□	□	☒
<b>Disability</b>	<ul style="list-style-type: none"> <li>This provision will specifically target children with SEND whose complex needs mean they require adapted school environments.</li> </ul>	□	□	☒
<b>Gender reassignment</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	□	□	☒
<b>Marriage and civil partnership</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	□	☒	□

<b>Pregnancy and maternity</b>	<ul style="list-style-type: none"> <li>Should a child in provision be or become pregnant, they will be supported appropriately.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Race and ethnicity</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Religion or belief</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sex</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sexual orientation</b>	<ul style="list-style-type: none"> <li>Assuming they meet the above criteria (age and SEND), there would be no barrier to their engagement.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.</b>	<ul style="list-style-type: none"> <li>Children of low income families have enhanced rights in relation to school transport in that the statutory walking distance to school is fixed at 2 miles as opposed to 3 miles when a child is aged 8 or above.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Negative outcomes action plan**

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
N/A				<input type="checkbox"/>

**If negative impacts remain, please provide an explanation below.**

N/A

<b>Completed by:</b>	<b>Phil Curd</b>
<b>Date</b>	<b>19<sup>th</sup> March 2019</b>
<b>Signed off by:</b>	<b>Annette Perrington</b>
<b>Date</b>	<b>19<sup>th</sup> March 2019</b>
<b>Equality Lead/Manager sign off date:</b>	<b>17/04/19</b>
<b>To be reviewed by: (officer name)</b>	<b>Phil Curd</b>
<b>Review date:</b>	<b>19<sup>th</sup> September 2019</b>