

Decision Report - Key Decision

Forward Plan Reference: FP/22/04/04

Decision Date - 05/08/22



Deployment of the High Needs Provision Capital Allocation (HNPCA) for financial years, 2022-23 & 2023-24

Executive Member: Cllr Tessa Munt, Lead Member for Children & Families

Lead Officer: Phil Curd, Strategic Manager – Access & Additional Learning Needs

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1. Summary / Background

- 1.1. The Local Authority has a statutory duty under the Education Act 1996 to secure sufficient school places for children and young people in Somerset, including those with special educational needs and disabilities (SEND). It also has a duty under the Children & Families Act 2014 to make reasonable adaptations to schools where children and young people have physical disabilities/impairments or medical needs that would otherwise prevent or limit them from reasonably accessing the school.
- 1.2. In March 2022, the DfE announced the 'High Needs Provision Capital Allocation (HNPCA)' for financial years 2022-23 and 2023-24. This funding is used to support Local Authorities deliver new school places or improve existing provision for children and young people with SEND. It was previously known as the 'Special Provision Capital Fund'.

2. Recommendations

- 2.1. The Lead Member for Children & Families hereby:
 - (1) **AGREES** to utilise Somerset's HNPCA to deliver projects across the county that:
 - increase the local availability of High Needs places;
 - remodel existing High Needs places to make them suitable for a wider range of needs;
 - modify the facilities in mainstream education establishments to make them more suitable for the children and young people with needs arising from physical impairments/disabilities or complex medical needs;
 - upgrade the facilities of maintained special schools to enable staff to meet the therapeutic and sensory needs of children and young people with complex, physical, medical and sensory conditions;
 - provide nurturing environments in mainstream education to enable schools to meet the needs of children and young people with behaviours that cause challenge.
 - (2) **DELEGATES** authority to the Assistant Director for Inclusion, in consultation with the Head of Corporate Property, to agree a capital

programme (in consultation with the Lead Member for Children and Families) and commence initial procurement activities for building work.

- (3) **INSTRUCTS** the Strategic Manager for Access & Additional Learning Needs to return grant assurance data to the DfE on behalf of the Local Authority at the required intervals.

3. Reasons for recommendations

- 3.1** Each local authority must consider and determine how best to deploy their HNPCA in order to address local priorities. There is a requirement to provide the DfE with details on the projects the County Council intends to fund using HNPCA.
- 3.2** Successful deployment of the HNPCA will enable the Council and schools to meet their duties under the Equality Act 2010 (see 8.2) through the School Access Initiative policy (refreshed in May 2021).

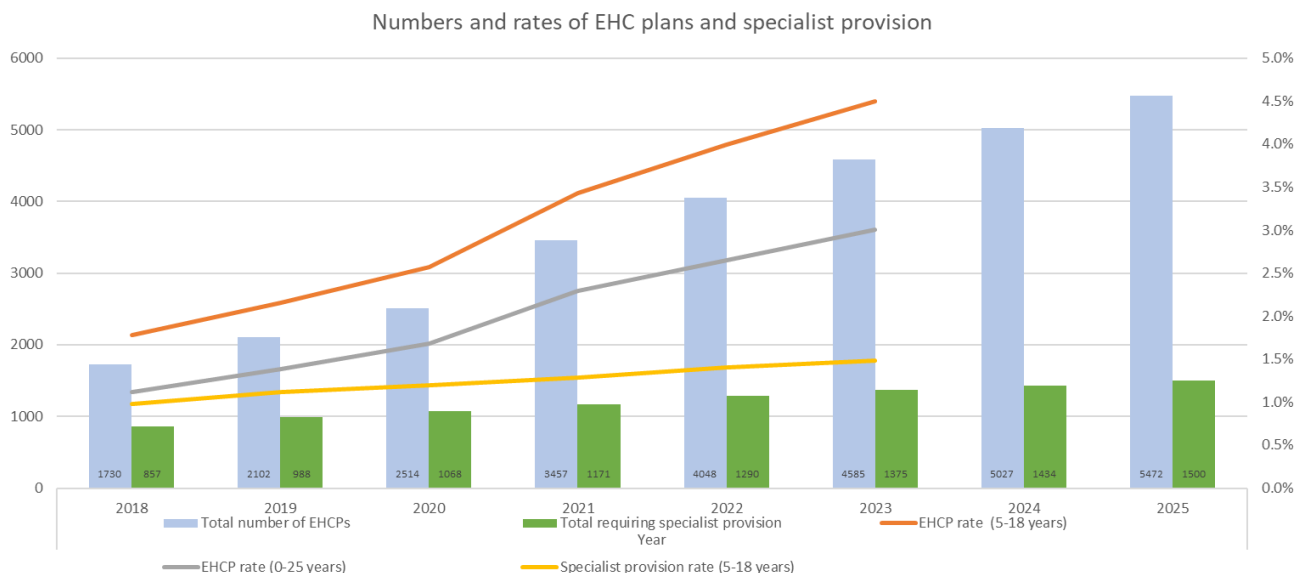
4. Other options considered

- 4.1** No other options have been considered as the HNPCA represents a welcome investment in Somerset. The DfE recognises the Local Authority, in consultation with its partners, is best placed to deploy the HNPCA strategically.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1** The recommendations meet the County Council's ambition of supporting "individuals to get the education and skills they need" and to "improve the quality and impact of inclusion Services". They meet the vision in the Children and Young People's Plan for all Somerset children to "achieve well above expectations and will not be held back by their social and personal backgrounds, special educational needs or disabilities".
- 5.2** The recommendations meet the strategy of providing good quality local school places appropriate to pupils' needs in order to alleviate financial pressures on high needs block of the dedicated schools' grant.

The following graph demonstrates a continued and increasing demand for specialist provision in Somerset for the foreseeable future. If there are insufficient state education school places available, each placement in the independent non-maintained sector results in the Local Authority having to bear additional cost of around £30k per year.



6. Consultations and co-production

- 6.1** Engagement with parents and carers is crucial when developing a programme of activity and ensuring that services will meet the needs of children and families. The Local Authority will consult with the Somerset Parent Carer Forum and other strategic partners over the priorities within Somerset.
- 6.2** Officers will also consult with local school leaders, governing bodies, academy trusts and parents/carers as and when specific proposals begin to emerge.
- 6.3** A draft copy of this paper was shared with the Chair of Scrutiny and the Opposition Spokesperson in advance of the decision being taken. A virtual meeting was held with the Opposition Spokesperson to discuss the rationale.

7. Financial and Risk Implications

- 7.1** Somerset's two-year allocation has been confirmed as approx. £10.1m which will be split as follows:
- 2022-2023 financial year - £4.2m
 - 2023-2024 financial year - £5.9m
- 7.2** The funding for the 2022-23 financial year will be paid to the County Council in July 2022. The Authority must indicate how it will utilise the funding by October 2022. The same timescales will apply to 2023-2024. The funding is provided for capital purposes only and cannot be used for revenue expenditure.
- 7.3** Utilising the HNPCA effectively will reduce revenue pressures relating to school transport and placement costs in independent & non-maintained schools, by meeting children's needs closer to home in an appropriate maintained setting.
- 7.4** The award of contracts for HNPCA-funded projects shall be the subject of further decision papers (as required). Expenditure will be closely monitored to ensure there is no overspend as a result of multiple projects being simultaneously developed.

8. Legal and HR Implications

- 8.1** Somerset County Council has a statutory duty under s.14 of the Education Act 1996 to secure that sufficient schools for primary and secondary education are available in its area.
- 8.2** Further, the Council has a duty under section 88 and schedule 10 of the Equality Act 2010 to implement its accessibility strategy with the objectives of increasing the extent to which disabled pupils can participate in schools' curriculums and improving the physical environment of schools for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by those schools.
- 8.3** The Council has a duty to deploy its HNPCA in accordance with the DfE's conditions of grant.

9. Other Implications

9.1 Equalities Implications

Any new or remodelled buildings will be accessible for children and young people with disabilities with the proper facilities and provisions in place to cater for them, pursuant to statutory obligations set out in the Equality Act 2010. It was considered that an equality impact assessment was not required at this stage although any proposals that follow will pay due regard to the Public Sector Equality Duty.

9.2 Community Safety Implications

Improved access to quality educational facilities can serve to reduce the likelihood of low level anti-social behaviour and improve children's opportunities to thrive long term.

9.3 Sustainability Implications

The DfE is committed to supporting the Government's targets on climate change including achieving net zero carbon emissions by 2050 target. HNPCA funding includes an uplift to support LAs with the additional costs associated with net zero construction.

9.4 Health and Safety Implications

Risks involved in any proposed building works will be managed by the appointed contractor through the construction health and safety plan (a requirement of all such projects).

- 9.5** Once constructed, the expectation is that schools will manage their premises in accordance with the agreed policy (see 12.1)

9.6 Health and Wellbeing Implications

Meeting the educational needs of children and young people with SEND is associated with improved wellbeing.

9.7 Social Value

The County Council recognises the importance of maximising the impact of public expenditure and officers will consider social value benefits to the community arising from any commission as part of the development of the specification and tender evaluation process.

10. Scrutiny comments / recommendations:

- 10.1** An advanced copy of this decision paper was shared with the Chair of Scrutiny. No comments were received.

11. Background

- 11.1** HNPCA funding is allocated to local authorities proportionally, based on the estimated share of future growth in the children and young people in the county who may require High Needs provision (as a percentage of the national total).
- 11.2** HNPCA funding is primarily used to meet the capital costs associated with providing new places and improving existing provision for children and young people with SEND including those with complex needs, who have Education, Health and Care plans.
- 11.3** HNPCA can fund projects that:
- enable and/or increase access to mainstream placements for children and young people who might otherwise have required more specialist provision;
 - increase the local availability of High Needs places where this can help reduce out of area placements and associated transport or residential costs, and/or reduce reliance on poor quality, inappropriate or more expensive provision where local provision can be provided at less ongoing cost;
 - adapt, re-model or improve existing High Needs places to make them suitable for a wider range of needs.
- 11.4** HNPCA projects could involve the:
- expansion of existing High Needs provision (including expanding existing provision to a different or additional site);
 - reconfiguration of existing provision to make available space for additional places or specialist facilities;
 - creation of new High Needs provision, such as specialist units or resourced provision in mainstream schools or the creation of new settings;
 - re-purposing of existing buildings or facilities so they better meet the needs of children and young people with complex needs.
- 11.5** HNPCA investment will also enhance access to existing provision for children and young people with SEND by improving:
- their physical access to the school (e.g., ramps and handrails)
 - their physical movement around the buildings (e.g., automated doors)
 - their access to the curriculum (e.g., specialist furniture and IT equipment)
 - facilities within school buildings (e.g., medical rooms and acoustic improvements).

12. Background Papers

- 12.1** A number of background documents, including a guidance booklet for local authorities and confirmation of each authority's allocation, have been published by the DfE at the following website:

<https://www.gov.uk/government/publications/high-needs-provision-capital-allocations>

The County Council's 'School Access Initiative' policy referred to in 3.2 is available at this website and is attached as a background document:

[https://somersetcc.sharepoint.com/sites/SCCPublic/Schools/Forms/AllItems.aspx?id=%2Fsites%2FSCCPublic%2FSchools%2FSchool Access Initiative policy%2Epdf&parent=%2Fsites%2FSCCPublic%2FSchools&p=true&ga=1](https://somersetcc.sharepoint.com/sites/SCCPublic/Schools/Forms/AllItems.aspx?id=%2Fsites%2FSCCPublic%2FSchools%2FSchool%20Access%20Initiative%20policy%2Epdf&parent=%2Fsites%2FSCCPublic%2FSchools&p=true&ga=1)

The current Education health and safety policy referred to in 9.8 is available at this website:

<http://extranet.somerset.gov.uk/EasySiteWeb/GatewayLink.aspx?alId=101299>

[Should any of the above links fail to work, please contact the report author whose details are shown on page one].

Report Sign-Off:

		Signed-off
Legal Implications	Tom Woodhams	16/06/22
Governance	Scott Wooldridge	16/07/22
Corporate Finance	Jason Vaughan / Ian Trunks	07/07/22
Human Resources and ICT	Chris Squire	16/06/22
Property	Paula Hewitt / Oliver Woodhams	17/06/22
Procurement / ICT	Claire Griffiths	24/06/22
Senior Manager	Rob Hart	14/06/22
Commissioning Development	Sunita Mills	22/06/22
Executive Member	Cllr Tessa Munt - Lead Member for Children and Families	15/06/22
Sign-off Key Decision		
Inclusion Service Leadership Team		14/06/22
Associate Lead Member	Cllr Caroline Ellis, Associate LM for Education	Emailed 15/06/22
Local Member	Local members will be briefed on any specific projects that follow	
Opposition Spokesperson	Cllr Frances Nicholson, Opposition Spokesperson for Children and Families	08/07/22
Scrutiny Chair	Cllr Leigh Redman - Children's Scrutiny	Emailed 17/07/22