

Decision Report

Proposed Decision Date – 17 March 2025

Key Decision – yes



Deployment of the High Needs Provision Capital Allocation (HNPCA) – Creation of SEN Units

Executive Member(s): Councillor Heather Shearer, Lead Member for Children, Families and Education

Local Member(s) and Division(s) affected: All members and divisions

Executive Director: Claire Winter, Executive Director - Children, Families and Education

Service Director: Amelia Walker, Service Director for Education

Executive Summary

The purpose of this paper is to help address the SEND Sufficiency challenge in Somerset as a result of the significant increase over recent years in the number of children and young people that have Education, Health and Care plans for specialist education provision.

As a result of this demand, Somerset's special schools are generally full to capacity, with the shortfall being filled by providers in the Independent and Non-Maintained Sector (INMS) at significant additional cost to the Council.

This paper explains how the deployment of the 'High Needs Provision Capital Allocation' (HNPCA) can increase the number of specialist places through the creation of SEN Units on mainstream school sites, providing additional capacity within the state-maintained education sector close to where it is needed.

Recommendations

The Lead Member for Children, Families and Education is asked to:

- (1) acknowledge the importance of investing the Council's HNPCA in order to increase the number of High Needs places within the state-maintained education sector;
- (2) request that Education officers continue to work with school leaders and local academy trusts to seek opportunities to create a number of SEN Units across the county using the HNPCA to refurbish classroom and outdoor space deemed suitable for such provision, and considered surplus to mainstream education requirements;
- (3) delegate authority to the Service Director for Education to develop and deliver a SEN Unit capital investment programme to create additional specialist school places that become operational in the 2025/2026 academic year, ensuring that progress is reported to the Learning Infrastructure Board;

(4) agree a gross maximum programme cost set out in the confidential appendix (Appendix A) for the SEN Unit capital investment programme;

(5) agree the appendix containing the maximum gross programme cost can be treated as exempt information due to commercial reasons, and should be treated in confidence until the tender processes have been completed (on the basis that the case for the public interest in maintaining the exemption outweighs the public interest in disclosure);

(6) delegate authority to the Service Director for Education to:

LA Maintained Schools and Academy Trusts where significant works are required:

(a) commission building feasibility studies to understand the scope of work required on each identified school site;

(b) commission the required work at the earliest opportunity via competitive tender; enter into contracts with the building contractors assessed to have submitted the most economically advantageous tenders;

(c) enter into contracts for the purchase of any necessary classroom infrastructure (i.e., furniture, fittings, equipment and IT) in line with the Council's procurement policy

(d) ensure that schools follow the necessary 'Significant Change' statutory consultation process to add the SEN units to their registrations

For Academy Trusts where the work is minimal or can be delivered more cheaply directly

(e) on receipt of copies of paid invoices, and work completed to the appropriate standard, arrange a reimbursement to academies that appoint their own contractors to repurpose buildings on their sites up to an agreed maximum spend;

(7) delegate authority to the Service Director for Education to ensure that relevant local members are kept up-to-date with developments;

(8) request a review of the HNPCA at a forthcoming Executive meeting in order to consider wider capital investment opportunities and their impact on the Dedicated Schools' Grant.

Reasons for Proposals

Local authorities have a statutory responsibility to ensure there are enough school places available in their area for every child of compulsory school age (the 'sufficiency duty'). This is set out under section 14 of the 1996 Education Act.

This includes children with Special Educational Needs & Disabilities (SEND) who have Education Health Care Plans (EHCPs) who require some level of specialist provision.

At present, as a result of our insufficiency of state-maintained specialist places (which includes Resource Bases, SEN Units and Special Schools), Somerset has in excess of 500 children and young people with EHCPs accessing education in independent settings at significant additional cost, when compared to the cost of a state-maintained specialist place.

This paper and the recommendations set out within it will enable a programme of capital works which will support the Council to address that deficiency of state-maintained specialist places.

Each local authority must consider and determine how best to deploy its High Needs Provision Capital Allocation to best address local priorities.

Main report and supporting information



Background and purpose of report

This report refers to 'children' throughout this paper for simplicity, although the SEN Code of Practice of 2014 covers the 0-25 age range, and therefore any reference to children may include young people aged 16+.

1. The SEND Sufficiency Challenge in Somerset

(1.1) The Lead Member for Children, Families and Education is acutely aware from national and local reporting that the number of children and young people requiring Education, Health and Care plans has not only risen significantly, but the severity and complexity of need has increased.

(1.2) The rise in pupils in all age ranges diagnosed with autism, social and emotional needs, or physical and neurological needs has seen increasing numbers of parents requesting Education, Health and Care Plans naming special school placements for their children, reporting that local mainstream schools are not equipped to meet their needs.

(1.3) As a result of this demand, Somerset's special schools are full to capacity, and some have exceeded their number of commissioned places in order to help meet the needs of children assessed as requiring specialist provision, or to accommodate children whose parents have successfully acquired places through the direction of tribunal.

(1.4) Although the Council is responsible for ensuring there is sufficient provision for SEND provision, it has not had the regulatory power to open new schools. In addition, the DfE has been unable to deliver new special schools to keep pace with the level of demand.

(1.5) As a result, and in order to allow the Council to continue to fulfil its duties, the shortfall of specialist places has been filled by providers in the Independent and Non-Maintained Sector (INMS), many of whom operate with high profit margins. It is likely that most children placed in INMS could have their needs adequately met in much lower-cost state provision.

(1.6) This increase in demand and lack of available places has also had a negative effect on the Council's preferred 'local first' approach to school placements, leading to long commutes for children, some of whom travel past other special schools where their needs could have been met if spare places were available.

(1.7) The High Needs Provision Capital Allocation is government grant funding currently in its fourth year to be used by local authorities specifically to deliver new school places or improve existing provision for children with SEND. This paper recommends the deployment of Somerset Council's (HNPCA) to create more capacity within the existing infrastructure in the state sector through the creation of a number of SEN specialist units on mainstream school sites that have spare accommodation.

SEN Units are specialist provisions which typically sit within mainstream schools and provide an environmental, curriculum and support offer for children with EHCPs, which differentiates from that which is typically available in a mainstream school. These SEN Units are added to school's designation following a statutory process (Prescribed Alteration [LA Maintained] or Significant Change [academies]). Officers are already preparing the necessary reports required to undertake and complete these processes. They have also engaged with the Regional Director's Office (DfE) to alert them and streamline the decision-making processes for academies.

(1.8) Officers have been holding discussions with school leaders across the county to develop new SEN provision that should be ready as early as September 2025. The schools that are currently in scope, are as follows:

- Bridgwater College Academy (URN: 138375)
- Burnham-On-Sea Community Infant School (URN: 150952)
- Cheddar First School (URN: 147822)
- Fairlands Middle School, Cheddar (URN: 147825)
- Hatch Beauchamp Church of England Primary School (URN: 150637)
- Holway Park Community Primary School, Taunton (URN: 123739)
- Knights Templar Community Church School & Nursery, Watchet (URN: 123860)
- Maiden Beech Academy, Crewkerne (URN: 137118)
- Reckleford Infant School and Nursery, Yeovil (URN: 123726)

- Somerset Bridge Primary School, Bridgwater (URN: 123695)
- St. Michael's Academy, Yeovil (URN: 138843)
- Thurlbear Church of England Primary School, near Taunton (URN: 123849)
- Upton Noble CofE VC Primary School, near Shepton Mallet (URN: 123782)
- Wadham School, Crewkerne (URN: 123893)
- Westover Green Community School & Autism Centre, Bridgwater (URN: 144437)
- Wincanton Primary School (URN: 123667)

(1.9) Each of the above units will deliver six to eight places apart from Maiden Beech Academy where there will be eight to sixteen places, and Upton Noble which will cater for four to six.

(1.10) It is possible that additional schools will be added to the programme as further discussions take place. It is equally possible that the above schools may not progress due to the outcome of building feasibility reports or further local consultation.

2. The Case For Continued Capital Investment

The financial case for this decision is covered within the financial Implications and Risk section of this report. The education elements are dealt with below.

(2.1) Children and families are facing unprecedented impacts due to the escalating SEND need across the country, a phenomenon which is being seen [nationally and internationally](#). Analysis of rising demand shows that the principal factor driving cost escalation and negative outcomes is the inability of mainstream and special schools to meet the needs of children experiencing emotional dysregulation, often associated with a diagnosis or working assumption of autism and/or ADHD. The level of dysregulation has risen dramatically in the past five years, such that the level of need presenting in mainstream classrooms more closely resembles need previously only served in special schools. The level of need in special school is now higher still.

(2.2) These proposals are part of a wider strategic approach to better meeting need and therefore should appropriately be seen alongside a range of other transformation activities. These will be presented for decision to the Council Executive. The overarching goal of this proposal is to provide classrooms within the existing mainstream estate that can overcome some of the key barriers currently disrupting the ability of schools to deliver for SEND children, namely: small class sizes; spaces designed with sensory awareness; staff trained in neurodiversity, emotional regulation and de-escalation techniques; and appropriate curriculum. This

current proposal can provide suitable spaces; the wider strategy will ensure these spaces are suitably staffed and equipped for appropriate education.

(2.3) The associated benefit of spaces closer to where children live is reduction in journey times. As a large rural county, travel to school is a regular feature of the school system. However, too many children are travelling excessive distances with associated disbenefits for children's wellbeing and family life. A wider array of choices closer to home should ameliorate this effect.

(2.4) Somerset is currently experiencing a long-term downturn in the birthrate. As a consequence, many schools in the county are below official capacity. In rural areas, the combined effect of a lower birthrate and a general trend of families choosing to live in towns means that a significant number of schools, mainly small rural schools, are at risk of non-viability. The option to increase pupil numbers through the deployment of a SEND unit opens up the potential to retain schools that might otherwise experience significant deficits or risk of closure. There is a statutory presumption against the closure of rural schools that Somerset Council must adhere to.

(2.5) SEND Units have the potential to support improvement in capability across the wider school system. Intensive training and support will be offered to schools opening new provisions, and steps will be taken to enable new staff and new provisions to share their expertise not only within the non-specialist classrooms of the mainstream school, but supporting other schools in the locality.

(2.6) The Council will continue to work with school leaders, whose budgets are also under significant pressure, to ensure any new provision created by HNPCA investment remains financially viable by issuing consultations about prospective pupils to the host school.

3. Delegated Responsibility

(3.1) This paper seeks to update the delegation arrangements previously assigned to former postholders within the County Council, by authorising the Service Director for Education to take decisions about individual projects (subject to the usual stakeholder consultation; cost-benefit analysis; procurement procedures and further individual decision papers).

(3.2) Progress of any assigned projects will be monitored by the Learning Infrastructure Board, and an officer will be appointed to return grant assurance data to the DfE on behalf of the Council at the required intervals.

(3.3) It is recommended that the Executive review the current HNPCA allocations to ensure that sufficient funds are available for further business cases linked to the ongoing deficit recovery plan. Currently the allocation is £20.858m, £4.789m has been spent prior to approval of this investment.

4. Links to Council Plan and Medium-Term Financial Plan

(4.1) The recommendations of this paper support each of the four main priorities contained within the Council Plan (2023 – 2027). In particular, responding to children’s SEN will help allow them to contribute to a ‘flourishing and resilient’ Somerset. Reducing school transport as a result of providing more local school places helps the Council to provide a ‘greener, more sustainable’ county.

(4.2) As set out in section 2, the cumulative deficit in DSG is forecast to reach £99.125m by 31 March 2026 as set out in the MTFP and the Section 151 Officer’s Section 25 Report to Council on 5 March 2025. The DSG deficit presents a significant risk to the financial viability of the Council. It is essential that cost reduction through service transformation and demand management initiatives are implemented at pace to reduce forecast financial pressures over the medium term. These will be addressed through a series of projects and workstreams included in the DSG Deficit Management Plan of which this project is one element.

(4.3) The recommendations support the Council’s Medium-Term Financial Plan by reducing its reliance on high-cost places in the independent sector which is having a significant impact on the High Needs block of the Dedicated Schools’ Grant.

5. Other options considered

(5.1) Option 1 of the business case is “Do-nothing”, this is not a viable option given the costs associated with independent provision and its impact on the overall deficit position. Option 2 of the business case relates to the expansion of provision within special schools. This is subject to a further business case which is currently being developed and will be complimentary to the preferred Option 3 rather than an alternative. The review of the HNPCA referred to in 3.3 above is considered needed to ensure that suitable funds are available going forward.

6. Key considerations for the Council

6.1 Scrutiny comments / recommendations:

(6.1.1) Awaiting notes from Scrutiny Committee for Children’s and Families – 10th Feb 25.

6.2 Consultation and feedback

(6.2.1) Officers will consult with local school leaders, governing bodies, academy trusts, local members and parents/carers as and when specific proposals begin to emerge. Some HNPCA investments will require statutory consultation in order to add new SEN designations to schools’ registrations.

6.3 Financial and Risk Implications

(6.3.1) The pressure on the Dedicated Schools Grant (DSG) is one of the most serious financial challenges the Council is currently facing. The cumulative deficit in DSG is forecast to reach £99.125m by 31 March 2026 and is one of the contributory factors behind its decision to declare a financial emergency. Somerset's position in relation to DSG is not dissimilar to the position of many local authorities nationally.

(6.3.2) A 'statutory override' is temporarily enabling the deficit to be kept separate from the Council's General Fund Reserves and the Council is currently prevented from needing to use those Reserves to fund the DSG deficit. However, the statutory override is due to end on 31 March 2026. If it is removed without a Government led solution to aligning funding with escalating need and demand in addition to addressing the accumulated deficit, this will exhaust the Council's General Fund Reserves, and the Section 151 Officer will be required by law to issue a Section 114 Notice.

(6.3.3) While the cost of building new specialist infrastructure may initially be greater than the cost of continuing to commission places from INMS, the cost is fully funded by HNPCA which has been provided as an up-front grant by Government. Over the medium to long term, the Council will be enabled to reduce its ongoing DSG expenditure pressures through the provision of additional SEND places more than the capital investment required, thereby reducing the use of costly INMS provision and contributing towards achieving the DSG Deficit Management Plan.

(6.3.4) While those children already placed in INMS settings will not be required to transfer to any newly created provision, the Council will see a reduction in demand for future INMS placements as when new HNPCA-funded provision becomes operational.

(6.3.5) Such is the high cost of INMS placements (on average, almost triple that of their state-maintained equivalent), the return on investment is realised within the short to medium term through reduced school placement costs. Given the scale of the current overspend compared to available funding, this will be in the form of cost reduction / cost avoidance, therefore reducing deficits rather than realising savings against budget/ available DSG funding. See Financial and Risk Implications section for more details.

(6.3.6) The HNPCA capital allocation is £20.858m of which £4.069m has been spent prior to committing resources for this project. This leaves £16.789m of HNPCA to be allocated for which there are potential further investment requirements for future projects of £18.155m and so a prioritisation review is required to manage within available overall funding. As with most government grants there is a risk of grant clawback but to date the DfE have not raised this issue with Somerset and all required returns have been made.

(6.3.7) Operational services that support children with SEND are funded from the High Needs block of the Dedicated Schools Grant and not the General Fund revenue budget. The 2024/25 High Needs budget is consistent with the Deficit Management Plan (DMP) which was submitted to CIPFA and the DfE in February 2024. However,

a significant overspend continues to be incurred. The DMP is being further reviewed and revised with the support of external consultants to implement further measures to control future costs.

(6.3.8) The 2024/25 Q3 forecasted cumulative deficit as at 31 March 2025 is £65.211m and £99.125m by 31 March 2026.

(6.3.9) The summary financial implications of the proposed investment via Option 3 are set out in Table 1 below and illustrates that cost avoidance ranging from £13.714m to £17.128m can potentially be achieved over a five-year period against the forecast pressures currently forecast over this period. The estimated cost avoidance in the 2025/26 financial year is £0.898m.

Table 1: Estimated cost avoidance as a result of proposed project

Description Over 5 years	Minimum Capacity (96 places) £m	Maximum Capacity (120 places) £m	Comments
Option 1 - Do-nothing	27.860	34.708	Independent Placement – current policy and practice
Revenue cost of Provision Option 3	9.545	11.772	Includes per pupil funding and small element of educational psychology support.
Option 3 - Cost Avoidance	(18.315)	(22.936)	£0.044m in year 1 and £0.048m thereafter per pupil.

(6.3.10) There are currently around 550 children educated in INMS placements and investment in additional in-house capacity of between 96 and 120 places to meet some of this demand will reduce the number and cost of this provision and therefore reduce the forecast overspending compared to current policy and practice. Detailed financial modelling has been based on a minimum occupancy of 96 created places but a range of 96 to 120 is possible including up to eight places in each, and up to sixteen at Maiden Beech Academy. Actual performance will be monitored in order to track actual cost reduction compared to the financial model.

(6.3.11) The above calculations are based on an average cost of a state-maintained special school placement at £26,000 for the first year and £22,000 after that, and an average cost of an INMS placement at £70,000 per year. These initial averages have been calculated in developing the DMP with the support of external consultants. The funding per pupil for the SEND units decreases in year 2 as the Average Weighted Pupil Unit funding will be provided within the schools main School Block budget.

(6.3.12) The Council's capital investment is a one-off sum to establish each new SEN unit as set out in the confidential Appendix A, while the DSG revenue cost avoidance will be achieved on an annual basis. Each new unit will be secured for a minimum of five academic years.

(6.3.13) The Council's transport budget is likely to realise savings against budget given that children are likely to be transported for shorter distances. As with placement costs, the average cost of transport to an INMS setting is greater than that of local state-maintained provision. This will require further work to model the impact on transport costs once sites are confirmed and places matched to the need of children in the system.

6.4 Specific risks identified:

(6.4.1) **Risk:** the number of EHCPs is forecast to continue to increase and there will be separate business cases as part of the overall DSG recovery plan to address this. This business case is predicated on having pupils ready to go into the capacity that is being created, should this demand not be forthcoming then the risk is unoccupied places.

(6.4.2) **Mitigation:** Lack of available and suitable pupils for these units is not thought to be a significant issue as the service has already identified pupils who would otherwise go to independent provision. Ongoing monitoring will be undertaken to assess progress.

Current Risk Score:

Likelihood	5	Impact	5	Risk Score	25
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Projected risk score if recommended actions are agreed and delivered:

Likelihood	4	Impact	4	Risk Score	16
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(6.4.3) When the projects are commissioned, there is a risk of 'scope creep' which could have an adverse impact on projects costs. To mitigate this, officers will ensure that individual project requirements, including timelines and budgets, are discussed and agreed with contractors before work is undertaken.

(6.4.4) However, as with all building projects, there is a risk that unplanned and unanticipated costs only come to light when work commences on site. The risk is considered to be relatively low as the projects involve repurposing existing spaces within school sites rather than the construction of new buildings. This will be mitigated by officers holding a general contingency sum for remediations across this capital programme.

(6.4.5) There is a risk that with a number of projects being undertaken concurrently, and in a relatively short space of time, delivery dates could be impacted upon. Officers will need to liaise with schools to enable contractors to have access to the sites during school holiday periods which is when the majority of work will be undertaken.

6.5 Legal and Procurement Implications

(6.5.1) Somerset 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.

(6.5.2) The Children and Families Act 2014 sets out extensive duties for the local authority in relation to:

- a. Creating and maintaining Education, Health and Care Plans
- b. Naming school places for children with SEND
- c. Providing suitable education to children who cannot be educated in mainstream education for any reason
- d. Funding educational provision other than at school with consideration of what is efficient and economical

(6.5.3) Local education authorities are subject to ongoing scrutiny and legal proceedings through SEND appeals, complaints and tribunals to the Local Government and Social Care Ombudsman and SEND Tribunals. Their SEND provision is often successfully challenged due to delays in issuing plans because insufficiency impedes naming a school, or because a child has not had their entitlement to education met because there is no suitable local provision to meet their needs. Creating a wider range of local, affordable provision is essential to mitigate this risk.

(6.5.4) The Council has a duty to deploy its HNPCA in accordance with the DfE's conditions of grant.

(6.5.5) Procurement do not get involved in works contracts for Academies.

(6.5.6) For Maintained schools, if the cost of the works is below £500k (incl vat) then the commissioner should adhere to Contract Procedure Rules and standing orders which says that four quotes should be sought. If the works cost is over £500k (incl vat) then they should conduct the sourcing via the procurement team.

6.6 HR / Workforce Implications

(6.6.1) There are no direct workforce implications arising from this paper. Any new provisions created by HNPCA investment will be staffed by the host schools.

6.7 Equalities Implications

(6.7.1) An equalities impact assessment has been undertaken by officers which has identified a number of positive and neutral impacts, and an opportunity to foster good relations between people who share a protected characteristic and those who do not.

(6.7.2) There are some small risks associated with the requirement to have external contractors on school sites undertaking building work, and the potential for discriminative language and behaviour being witnessed, or accessibility issues inadvertently created. However, most building work will be undertaken during the school holiday periods when there are unlikely to be staff, governors, pupils or visitors on site.

6.8 Community Safety Implications

(6.8.1) Some school leaders are concerned that long school journey times can lead to a loss of social development opportunities potentially affecting children's preparation for adulthood and their sense of belonging in the community. Creating school place capacity closer to home may mitigate this effect.

6.9 Climate Change and Sustainability Implications

(6.9.1) Any new provision that is located close to children's communities will mean daily school transport journeys are reduced, resulting in reduced levels of congestion and pollution on the roads. In some cases, walking and cycling opportunities may be available to children.

6.10 Health and Safety Implications

(6.10.1) There are no direct health and safety implications arising from this paper. Any building risks associated with HNPCA-funded projects will be managed by the appointed contractor through the construction health and safety plan (a requirement of all such projects).

6.11 Health and Wellbeing Implications

(6.11.1) Any new HNPCA-funded provision will reduce the need for future children to travel long distances to access their education which some are currently having to do, and which may be leading to an increase in fatigue and a detrimental impact on school performance.

6.12 Social Value

(6.12.1) 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. Building contractors on school sites have in the past have provided learning opportunities for children while working on site.

7. Background Papers

(7.1) [High Needs Provision Capital Allocations Guidance \(issued by the DfE in March 2024\)](#)

8. Appendices

(8.1) Appendix A – Confidential Appendix - is the business case and provision breakdown of the capital investment allocations by school.

**9. Report assurance checklist ahead of report publication
(for Audit, Executive, Full Council and Scrutiny Committees)**

	Officer Name	Date Completed
Governance Implications	Scott Wooldridge	28/02/25
Legal Implications	Jill Byron	27/02/25
Finance & Procurement	Nicola Hix	06/03/25
Workforce (*)	Dawn Bettridge	N/A as no workforce implications
Asset Management (*)	Simon Lewis	21/02/25
Executive Director	Claire Winter	21/02/25
Executive Lead Member	Cllr Heather Shearer	03/03/25
Consulted:	Councillor Name	
Opposition Spokesperson(s)	Cllr Frances Nicholson	20/02/25
Relevant Scrutiny Chair(s)	Cllr Leigh Redman	20/02/25

Note:

Directors may nominate additional officers to act on their behalf

(*) – these areas only need to be consulted on proposals if the proposals have workforce or asset management implications

Reports will not be published if assurance checklist has not been adequately completed – report author to liaise with Democratic Services well ahead of publication deadlines

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council	x	 Somerset		 Somerset <small>NHS Foundation Trust</small>	
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Version	1.0	Date Completed	16/02/25
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Description of what is being impact assessed

Somerset has experienced a significant increase over recent years in the number of children and young people that have Education, Health and Care plans for specialist education provision. As a result of this demand, Somerset's special schools are full to capacity, with the shortfall being filled by providers in the Independent and Non-Maintained Sector at significant additional cost to the Council. A key decision paper sets out how the deployment of the Council's High Needs Provision Capital Allocation can increase the number of specialist places through the creation of a number of SEN units on mainstream school sites, providing additional capacity within the state-maintained education sector close to where it is needed.

The purpose of this paper is to assess the impact of the new SEN units from an equalities perspective. Although it is acknowledged that members of staff recruited to run the new SEN units may also have protected characteristics - which will require consideration by the host schools and academies - this EIA has deliberately predominantly considered the impact on children and young people for whose SEND needs the units are designed to meet.

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

School population forecasts are used to determine which mainstream schools are likely to have spare capacity. The latest forecasts are available to view or download at the following website - <https://www.somerset.gov.uk/children-families-and-education/applying-for-school/apply-to-start-school-for-the-first-time/>

Most of the data that has been used is taken from Capita which records the number of SEND children with EHC Plans, and where they are being educated. By considering the current demand for specialist education provision and forecast demographics, we can determine which schools – and therefore, which communities – may be positively impacted upon.

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

No consultation with protected groups has been undertaken during what have been only preliminary discussions with schools and academies. However, each of the new SEN units will be subject to formal consultation processes during which time any members of the local community, including people from protected groups, will be able to submit representations to the respective decision-maker. If and when the SEN Units become operational, the LA will consult on an individual basis with parents and carers of prospective pupils, some of whom will be from protected groups, about possible placement.

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
Age	<ul style="list-style-type: none"> The new units will be established on existing primary and secondary sites, and will positively impact children and young people aged 4 and above who require a specialist school place with access to inclusion in a mainstream school. Placing children in local SEN unit could have a positive impact on older people as many working families rely on 	☐	☐	☒

	<p>grandparents or other relatives for childcare, and school drop-offs and pick-ups.</p>			
<p>Disability</p>	<ul style="list-style-type: none"> • While it is acknowledged that not all children and young people with SEND will have a disability, the proposal to establish new SEN units will have a positive impact on those that do, by enabling them to receive their education within their local communities. • Each new unit will be registered for one of two specialist SEN need types. One will be for those who have received a diagnosis of Autistic Spectrum Disorder or are awaiting an ASD assessment. The other will cater for those that children and young people that have social, emotional and mental health needs (SEMH). Whether an individual's SEMH needs are classified as a disability will depend on the severity and impact of the condition. • Through integration activities with children on the mainstream school roll, the SEN units will foster good relations between pupils with SEND and their peers who do not have this protected characteristic. • Each of the new SEN units will be repurposed in order to accommodate children and young people that use a wheelchair or other mobility aids. In addition, the Council's 'School Access Initiative' can be deployed to help schools make 'reasonable adjustments' to accommodate the admission of children and young people with very specific requirements resulting from their physical disabilities and/or medical/sensory conditions. 	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>

Gender reassignment	<ul style="list-style-type: none"> There are no anticipated positive or negative impacts on this protected characteristic. It is still relatively rare for young people to want to undergo gender reassignment. When a school pupil does so, the matter is sensitively handled by members of staff at the school and professionals across the Local Area involved with the child's education, health or care provision. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage and civil partnership	<ul style="list-style-type: none"> There are no anticipated positive or negative impacts on this protected characteristic. All applications to the new SEN units are considered without reference to the marital status of parents and carers. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<ul style="list-style-type: none"> There are no anticipated positive or negative impacts on this protected characteristic. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race and ethnicity	<ul style="list-style-type: none"> Taking into account the make-up of Somerset, the new SEN units are likely to be disproportionately accessed by children from a White British ethnic background. However, all admission decisions will be based on an assessment of SEN need rather than any race or ethnicity factors. It is acknowledged that people with English as a second language (EAL) may need additional assistance to prevent barriers to them accessing and understanding children's services. Somerset's schools, including the ones that may host one of the new SEN units strive to provide a welcoming environment for those with EAL. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Religion or belief	<ul style="list-style-type: none"> Religion will have no bearing on the admission to the SEN units, and each one will be able to cater for children and young people of all religions or beliefs, and those with none. The Education Act of 2002 requires all schools and units to promote the spiritual and moral development of its pupils, and to challenge opinions or behaviours that are contrary to British values. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<ul style="list-style-type: none"> Each of the new SEN units will be co-educational, and will therefore accommodate both boys and girls. It is acknowledged that boys are more likely than girls to receive SEN support; have an EHC plan, and have SEMH or a diagnosis of ASD. It is also acknowledged there may be inconsistencies in the identification of need for girls who have SEND, something that all local authorities are keen to address. This may be due to girls being better at masking or hiding their challenges, leading to under-identification or delayed diagnosis. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<ul style="list-style-type: none"> Children and young people at school are not required to disclose their sexual orientation. If they choose to do so, it will have no bearing on their admission to the SEN units. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> Somerset Council is proud to be part of the Somerset Armed Forces Covenant, and strives to support members of the armed forces community through the delivery of services, including its education provision. The Council acts in line with the required provision for children of service personnel as outlined in the SEND Code of Practice (sections 10.53 to 10.57 inclusive). 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>Other, e.g. carers, low income, rurality/isolation, etc.</p>	<ul style="list-style-type: none"> • The new SEN units will help support children and young people to access a local school. Reduced school journeys, and the cost of travel, can be a significant factor for young carers and those from low income households. • Somerset Council will continue to provide assistance with transport to those children and young people who live in rural or isolated areas that qualify under its published School Transport policy. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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.

- While the above impact assessment has identified only positive and neutral impacts, there is a negative impact risk arising from the conduct of contractors on school sites who could use discriminative language and behaviour particularly towards disability, gender reassignment, women, sexual orientation and race and religion. While the risk is considered low due to the procurement vetting procedures, and the likelihood that work will be carried out in the school holiday period, an action will be recorded below.
- If a building project is divided into phases, it will also be necessary to undertake a site review to consider accessibility issues.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Officers will make it clear to any appointed contractors that their workers and sub-contractors will need to conduct themselves appropriately when working on school sites especially if the school is in session.	This will vary from site to site	Contracting Officer	School staff will monitor and report any issues immediately	A reminder will be issued, on appointment of contractors.
If a building refurbishment project is divided into phases, and work is undertaken during term time, it will be necessary to review the arrangements as each phase is completed, in order to ensure no accessibility issues are inadvertently created.	This will vary from site to site	This will need to be undertaken jointly by the contractor and school staff	If a building project has separate phases, this will be monitored by the staff at the school.	This will only be marked complete when each phase has been undertaken.

If negative impacts remain, please provide an explanation below.

- The Council's view is that no categories of people with a protected characteristic will be negatively impacted by the decision to create a number of new SEN units across the county, and the roll-out will only result in positive or neutral impacts.
- Officers recognise, however, that the Public Sector Equality Duty is a continuing duty, and will keep equality impacts of new SEND education provision under review.
- There are small risks outlined above associated with the requirement to have external contractors on school sites. However, most building work will be undertaken during the school holiday periods when there are unlikely to be staff, governors, pupils or visitors on site.
- As the new units will provide an educational offer to children with SEND that better meets their needs and improves outcomes, this initiative will help advance equality of opportunity.
- As the children and young people will be able to participate in certain aspects of mainstream school life in line with their peers who do not have SEND, this will foster good relations between people who share a protected characteristic and those who do not.

Completed by:	Lewis Andrews
Date	19 February 2025
Signed off by:	Tom Rutland
Date	19 February 2025
Equality Lead sign off name:	Tom Rutland
Equality Lead sign off date:	19 February 2025
To be reviewed by: (officer name)	Lewis Andrews
Review date:	31 July 2025