

## Schools Forum – 16 January 2018

### Special Provision Fund

#### 1. Purpose of the Report

To inform Schools Forum of the Special Provision capital Fund and to consult with them on the potential uses of that fund.

#### 2. Summary

Special provision fund allocations were announced on 4 March 2017 by the Department for Education. These grants are to support Local Authorities to make capital investments in provision for pupils with special educational needs and disabilities.

Local authorities can invest in new places and improvements to facilities for pupils with Education Health and Care plans in mainstream and special schools, nurseries, colleges and other provision.

The grant is just under £1 million for Walsall (£957,686) over three years (£319,229 a year) for the period 2018/19 to 2020/21. The first year is the new financial year that starts in April 2018.

The total value of the Fund is £215m. Every LA's allocation is at least £500,000. The funding is not ring fenced. It is allocated largely on the basis of population growth, with adjustments for local building costs. The allocations are in addition to the Basic Need capital funding for new school places.

It is intended to develop provision for pupils with more complex SEN (i.e. children or young people with an Education Health and Care Plan or a statement) who are in mainstream or special schools. It is capital spend – the benefit lasts longer than a year.

Local Authorities are free to spend it on other education based provision across the range of state funded providers where this meets local needs, including nurseries, independent non maintained special schools, including those outside the area of the authority, and FE colleges (see Appendix 1). Since 2014, 'SEN' is now understood in terms of educational provision in the age range 0 -25 years.

The local authority must consult with parents, young people and providers to decide how best to spend the allocation. The Local Authority will then produce and publish a short plan to show how the money will be spent. The DfE will send a template for that Plan. LAs will need to "discuss" that plan with parents, young people and providers before the LA receives any funding.

This report forms part of that consultation and views are sought from Schools Forum on how to spend the money. We are consulting with schools, parents and other partners and providers through the spring term.

### 3. Guidance

The Department for Education issued Guidance on the use of the Special Provision Fund in August 2017. This can be summarised as follows:

‘The £215 million fund is to support local authorities to invest in provision for children and young people with SEN and disabilities aged 0-25 to improve the quality and range of provision available to the local authority. It is intended for the children and young people with education, health and care plans for whom the local authority is responsible. It is entirely legitimate for the local authority to spend some of the capital funding on provision that happens to lie outside the local authority’s boundaries, if the local authority places children and young people there and believes that the capital investment will improve the quality and range of provision available.

Local authorities can invest their share of the special provision capital fund in:

- Creating new (additional) places at good or outstanding provision
- Improving facilities or developing new facilities.

This can be through:

- Expansion(s) to existing provision including at the same site or at a different site.
- Reconfiguring provision to make available the space for the additional places or facilities.
- Re-purposing areas so that they meet the needs of pupils with special educational needs and disabilities.
- Other capital transactions that result in new (additional) places or facilities’ improvements
- Investing in provision that is located in another local authority where this supports providing good outcomes for children in their area.

Examples include:

- Expand outstanding special provision that helps children attend school in the local area so that children gain independence within their local community.
- Add resourced provision to a successful mainstream school.
- Set up a new learning kitchen to teach pupils the skills they need to be independent in adulthood and skills that can support them in employment.

Local authorities should consider how to invest capital and revenue in a joined-up way to get the most out of each project. Local authorities may also combine their special provision allocation with other capital funding. Groups of local authorities may wish to pool capital resources to develop provision, which can support a wider area.

The funding is not intended for:

- Higher education including universities and other higher education provision
- Any provision for those aged 25 and over.
- Expanding provision specially to create additional places for pupils who do not have education, health and care plans. We recognise that facilities for pupils with EHC plans might bring a wider benefit and help other children.
- Reasonable adjustments that schools are required to fund as part of the accessibility requirements. This includes ramps or widening doorways.
- Revenue expenditure such as furniture (chairs, desks), teaching apparatus such as white boards, training or staff costs.
- Individual mobility equipment such as wheelchairs. However, local authorities can spend this funding on capital installations such as ceiling hoists for lifting non-ambulant children into a hydrotherapy pool.

- Maintenance work, which will be covered by 'Devolved Formula Capital funding.'

## 4 Consultation

The Guidance also says that:

‘Local authorities will need to:

- **Consult with parents and carers.** Effective engagement with parents and carers is crucial in building and implementing a strategy that develops support for changes. This helps local authorities ensure that services will meet the needs of children and families.
- **Consult with schools, FE colleges and other institutions which offer special educational provision.** Local authorities should work with providers to identify how capital investment can best improve the quality of provision available for children and young people with EHC plans.
- **Consider how to invest revenue and capital funding strategically** to maximise the benefit of both in the context of the current infrastructure and programmes. This might include looking at how to expand participation in an existing learning programme by making capital adjustments so that children and young people with SEN and disabilities can also attend.
- **Collaborate with other local authorities** to form partnerships to work effectively across borders.’

## 5. Discussion

A number of points can be made in response to the DfE Guidance:

- Though the Special Provision funding is “primarily” intended to create new places in specialist provision (special schools and Additional Resource Provisions), it is in addition to the Basic Need capital allocations this and other authorities have to create additional school places. The inference might be that the Basic Need funding should/may be sufficient to cover the specialist places that are required. In Walsall’s case, there may well be sufficient Basic Need to meet the need for additional specialist places for children with SEN&D for children of statutory school age, so the Special Provision Fund is/should be applied to other area of SEND.
- As the Guidance says, it can be spent on ‘other education based provision for children and young people’ aged from 0-25 where this meets local needs, such as in early years’ settings or further education.
- In Walsall, potential schemes to expand places for students with SEN&D who are aged 16 or over or aged 19 or over might well be supported by this fund. There are a few cases where Walsall is ‘losing’ post 19 students with SEN&D to expensive out of borough placements. In response to this consultation, post 16 Providers may come forward with proposals to expand specialist provision for post 16 or post 19 students that could be met from this fund, either in whole or in part
- In the past, we have had programmes such as the Schools’ Access initiative where schools made bids for minor capital works to improve access and inclusion, mainly in mainstream schools, both to building themselves and to the curriculum. At first sight, the Special Provision fund would seem to be applicable. But the Guidance rules this out – it talks of schools making reasonable adjustments (ramps etc.) and that these should be met from the schools budget. However, responses to this consultation may show that, locally, people feel that a revived Schools Access initiative would be a good idea.
- We are coincidentally producing a new Accessibility strategy for Walsall- but, as it stands, we seem not to be able to tie the funding into that. Local Authority

maintained schools at least are expected to take account of their LA's accessibility strategy and produce their own accessibility plans (Academies should produce their own Accessibility strategies and plans).

- There is definitely scope for schemes like learning kitchens and specialist facilities within a range of school settings. Could this include extending disabled sports facilities for children and young people with special educational needs and disabilities? As with post 16/19 expansions, contributions could be in whole or in part
- There may of course be other ideas – that is the point of the consultation.

This term, we will be consulting with parents, young people, school and all providers who may well come forward with their own ideas on how to spend this allocation. Invite responses and expressions of interest.

While £1m is 'generous', we recognise there are a lot of providers in Walsall who may benefit from this Fund. (A 3-4 classroom extension at one special school can cost up to £1m). The priority is to support children and young people with higher levels of special educational needs and disabilities. Around 1,800 children and young people have Education Health and Care plans or statements of special educational needs that are maintained by Walsall Council.

There is probably sufficient Basic Need capital funding to meet expansion of specialist places (special schools and Additional Resource Provisions) in Walsall schools for children with SEND who are of statutory school age. That means there is scope to use this Fund to develop SEND provision at both nursery age and post 16, as well as potential specialist facilities in mainstream or special schools.

## **6. Next Steps**

Again, the Guidance says that:

'Before receiving the funding, local authorities need to:

- Consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities.
- Work with education providers to agree how the capital can best be targeted.
- Fill in the short plan template, confirming that the requirement to consult with parents, carers and young people has been met, and including information about the other groups that they have consulted.
- Publish a plan on their local offer page showing how they plan to invest their funding, before the deadline specified below.

**By Wednesday 14 March 2018**

Local authorities must publish the short plan on their local offer page

**Summer 2018**

Local authorities that have published the plan and consulted with parents, carers and young people will receive the first tranche of funding  
Local authorities should update and republish their plan to show what they have spent on so far

**March 2019**

**Summer 2019**

Local authorities will receive the second tranche of funding

**March 2020**

Local authorities should update and republish their plan again

**Summer 2020**

Local authorities will receive the third tranche of funding

**March 2021**

Local authorities should update and republish their plan a final time, to show how all money was eventually spent

## **7. Financial Implications**

The Special Provision Fund has been put forward as proposals for consideration as part of the Council's draft 2018/19 Capital Programme. The grant is just under £1 million for Walsall (£957,686) over three years (£319,229 a year) for the period 2018/19 to 2020/21.

## **8. Legal Implications**

The Children and Families Act 2014 and The Special Education and Disability Regulations 2014 requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency), working with parents, young people and providers (SEND Code of Practice, January 2015 Chapter 4).

## **9. School Improvement**

A Council priority is that Walsall children are provided with the best start in life so they can fulfil their potential and make positive contributions to their communities. The Special Provision Fund project potentially gives a range of investments in provision for pupils and young people with special educational needs and disabilities across the borough, in the age range 0-25 years in support of good teaching and learning.

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**Provision types****Appendix 1**

The funding is for a range of provision types where this benefits children and young people with education, health and care (EHC) plans between 0 and 25. This covers the following provision types:

**1 Mainstream school or college including:**

- Mainstream school or academy (including free schools, faith schools and grammar schools)
- Further education (FE) college
- Mainstream sixth form college
- University Technical College (UTC) or studio school

**2 Special unit or resourced provision, including:**

- Special unit / resourced provision at mainstream school or academy (including free schools, faith schools and grammar schools)
- Special unit / resourced provision at mainstream sixth-form college
- Special unit / resourced provision at further education (FE) college
- Special unit / resourced provision (other) i.e. at another provision type that caters for children and young people aged between 0-25

**3 Special school or academy including:**

- Special school (whether maintained or academy, including special free schools)
- Non-maintained special school (NMSS)
- Independent special school
- Special post-16 institution
- Hospital school

**4 Pupil referral unit and alternative provision academy****5 Nursery or early years provider including:**

- Private, voluntary and independent (PVI) providers
- Nursery school (LA maintained)
- Reception or early years provision within a school or academy

**6 Other provision**

- Any other education provision that is attended by pupils who have education, health and care plans and are aged between 0 and 25 and not otherwise covered. Local authorities should provide further details.

Note that local authorities should list boarding provision against the relevant provision type and set out in the optional additional information box that this includes boarding provision.