

## **Cabinet – 20 March 2024**

### **SEN Place Requirement**

**Portfolio:** Councillor Statham – Education & Skills

**Service:** Children's Services

**Wards:** All

**Key decision:** All

**Forward plan:** Yes

#### **1. Aim**

A local authority has a general duty, under section 14 of the Education Act 1996, to ensure there are sufficient school places, in its area, sufficient schools 'in number, character and equipment to provide for all pupils the opportunity of appropriate education'.

The aim of this report is to provide an overview of the current position and options to support the development of education provision for our most vulnerable children. This includes New Leaf Pupil Referral Unit (PRU) and our Special Educational Needs and Disability (SEND) specialist provision. The creation of the additional SEND places will enable Walsall Children and Young People (CYP) to be fully supported within their home local authority.

#### **2. Summary**

This report looks at the need for specialist school places in Walsall over the next 5 years. These are places in Special schools and in Specialist Resourced Provisions (SRPs) that are attached to mainstream schools for children and young people with Special Educational Needs and Disabilities (SEND).

This report provides an update on the ongoing work surrounding our specialist provision and pupil place planning for SEND. The ongoing focus of the team is to review the requirement for SEND places across the borough in terms of pupil place planning and future proofing our place requirement. Working closely with the SEN and inclusion service, a five-year plan has been created to ensure our statutory responsibility for having sufficient school places is met, this will be continually reviewed to ensure it is accurate.

This report also seeks approval to formalise the successful temporary move of New Leaf PRU at Stroud Avenue, to become the permanent site. What was seen initially as a possible temporary solution has proven to be a positive

relocation and provides a long-term suitable provision with a reduced investment from capital than previously earmarked.

### **3. Recommendations**

- 3.1 That Cabinet notes the number of places we currently have in Walsall, the number of places we require in the borough and the recommendations on how to meet the requirement of places. Walsall currently have 1,121 places across the borough, with 124 additional places approved to be provided through Specialist Resourced Provision expansion. A potential 500-740 places are required to meet projected demand over the next five years.
- 3.2 That Cabinet approve budgetary provision in the sum of £5,900,000, to complete phase 5 of the Educational Development Centre.
- 3.3 That Cabinet approve budgetary provision in the sum of £1,140,000 to convert Rowley Robins to provide 47 pupil places for special educational needs.
- 3.4 That Cabinet approve budgetary provision in the sum of £2,000,000 to improve the facilities at Oakwood Special School for pupils with special educational needs.
- 3.5 That Cabinet approve budgetary provision in the sum of £4,700,000 to expand the programme of SRPs by 100 places.
- 3.6 That Cabinet approve budgetary provision in the sum of £3,956,250 to progress the feasibility studies for expansion of special schools as referred to in section 4.8 to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and to allow a procurement exercise to be undertaken.
- 3.7 That Cabinet approve the New Leaf pupil referral unit to be permanently located at Stroud Avenue and to approve budgetary provision in the sum of £300,000 to progress the feasibility studies for required improvement works to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and to allow a procurement exercise to be undertaken.
- 3.8 That Cabinet delegates authority to the Executive Director for Resources and Transformation, in consultation with the Portfolio Holder for Internal Services to enter into a contract for the works and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents award the contract following the completion of the procurement process.
- 3.9 That Cabinet delegate authority to the Executive Director Childrens Services, in consultation with the Leader, to make minor amendments to the budgetary provision in the event of the successful tender exceeding the estimated amount to a maximum of 10%

- 3.10 That Cabinet delegate authority to the Executive Director of Resources and Transformation, to authorise any variations to the contractual arrangements or other related documents for such works should this be required throughout the duration of the term of any contracts and provided they are in line with the Council's Contract Rules and any relevant legislation, including Public Contract Regulations 2015.
- 3.11 That Cabinet delegate authority to the Executive Director of Resources and Transformation to enter into contracts for the works required.

## **4. Report detail**

### **4.1 Our Vision**

Our vision is that all children and young people in Walsall will, irrespective of their learning needs or abilities, gain the skills and confidence to live well in their community. They will be supported and nurtured through an educational system that responds to their circumstances and prepares them for adulthood. Our ambition is to create a culture where there is effective, high quality learning provision, combined with meaningful and purposeful school partnerships, focused on the direct pursuit of improved outcomes for all Walsall's children and young people.

We must ensure that Walsall's Special Educational Needs and Disabilities (SEND) offer continues to improve the experience and outcomes for children and young people. We know that good provision requires a strong and effective culture of inclusion that supports all children and young people to thrive. All children and young people deserve the support they need to be confident, resilient individuals with their own ambitions and aspirations as they develop into adulthood irrespective of their learning needs or abilities.

We hold a strong commitment towards enhancing special educational provision. Our objective is to ensure that every child and young person in Walsall with an Education, Health and Care (EHC) plan receives outstanding support within their local community. We firmly believe that the needs of most pupils with an EHC plan can be met through local mainstream provision which aligns with the legal presumption and SEND Code of Practice. However, we acknowledge that some learners may require additional support, and for this, we aim to create a tiered system of provision, growing in specialism and support. We are committed to ongoing identification of new settings that can provide the best outcomes and ensure adequate specialist placements are available for all pupils in Walsall, thus reducing the need for independent specialist provision. Our goal is to make the best use of our own resources and skills to provide quality services to all children and young people who require support. Our special schools will become centres that share their skills and knowledge to our mainstream schools. We are committed to ensuring that appropriate provision is available for children and young people between 0 and 25 years, supporting them through carefully planned key transitions.

## **4.2 Our approach to SEN placements**

We want to ensure that all our children and young people achieve the best possible outcomes, and the aims of our placement strategy are:

- Mainstream first - We want all our children and young people to be able to access a mainstream setting if this is the best option for them. We want to have a fully inclusive approach within our schools, colleges and early years settings, and for every mainstream setting to make their best endeavours to meet children and young people's special educational needs.
- All ages, all types - We are committed to offering appropriate educational places for children and young people including early years and Post 16. Our settings will be equipped to ensure carefully planned transitions take place and that all children are prepared for adulthood. We will look to widen our Primary Need boundaries in terms of our Special Schools to develop 'multi-need' provision to assist in placing complex learners.
- Locality based learning - We believe that where possible, children should be educated within their local community, bringing a sense of belonging and value. We want our families of children with SEND to be supported and welcome to local schools. We want to reduce the amount of time children spend in transport. We will open SRPs and Hubs across the borough that can meet a range of needs.
- Shared skills - We recognise that our specialist settings and hubs have skills and resources that can be widely shared to enhance the support of children in mainstream settings.
- Graduated placements - Our model of placements includes four main types that increase in specialism and support. These are wholly mainstream, SRPs, Specialist Hubs and wholly special school. These settings give children opportunities to continue with elements of mainstream learning which will enhance their specialist support.

## **4.3 Pupil Place Requirements**

The number of Walsall children and young people with an EHC plan is approximately 4,547 (end January 2024) and has increased by 125% over the last 4 years.

Of those pupils aged 5 to 16 with an EHC plan 52.3% are currently accommodated in a mainstream school place, with 43.5% requiring a specialist place in a special school or SRP with the remaining 4.2% in Elective Home Education/Education Other Than At School.

Significant work has been undertaken to review the additional specialist places needed for the next 3-5 years.

Modelling work has been undertaken to forecast the numbers of EHC plans that are expected to be issued in the coming years, and to estimate the number of these pupils who will require a specialist place.

This modelling estimates the need for provision for complex needs across the four broad types of SEND:

- Cognition & Learning
- Communication & Interaction including Autism
- Social, Emotional and Mental Health (SEMH)
- Sensory and physical needs

The latest forecast modelling suggested that a potential of an initial 1,985 pupils with ECH plans will require a specialist school place in the 2027/28 academic year.

#### 4.4 Current Pupil Place Availability

The number of commissioned places available across special schools, Specialist Resourced Provisions (SRPs) and the medical PRU in Walsall at the start of the 2023/24 academic year was 1,121 as set out in the tables below.

*Table 1 Commissioned Numbers: Special Schools*

SPECIAL SCHOOLS					
SCHOOL NAME	COMMISSIONED PLACE NUMBER				
	Sep-19	Sep-20	Sep-21	Sep-22	Sep-23
Castle	178	189	204	222	222
Elmwood	67	72	72	77	77
Jane Lane	120	120	136	166	175
Mary Elliot	127	127	137	140	140
Oakwood	85	100	130	150	200
Old Hall	98	98	103	103	103
Phoenix	41	41	41	41	47
<b>TOTAL</b>	<b>716</b>	<b>747</b>	<b>823</b>	<b>899</b>	<b>964</b>

*Table 2 Commissioned Numbers: ARP/SRP*

ARP/SRP IN MAINSTREAM					
SCHOOL NAME	COMMISSIONED PLACE NUMBER				
	Sep-19	Sep-20	Sep-21	Sep-22	Sep-23
Bentley West Primary	10	10	10	10	10
Rushall Primary	15	15	16	23	23
Lindens Primary	10	10	10	10	10
St Francis of Assisi Secondary	13	13	11	11	0

Shire Oak Academy	10	10	10	10	10
Pool Hayes Academy	10	10	10	10	10
New Invention Infant	0	0	0	8	8
Christ Church CE Primary	0	0	0	8	8
Short Heath Junior	0	0	0	8	8
<b>TOTAL</b>	<b>68</b>	<b>68</b>	<b>67</b>	<b>98</b>	<b>87</b>

Table 3 Commissioned Numbers: Medical PRU

Medical PRU					
SCHOOL NAME	COMMISSIONED PLACE NUMBER				
	Sep-19	Sep-20	Sep-21	Sep-22	Sep-23
Shepwell	60	60	60	60	70
<b>TOTAL</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>70</b>

As the tables show, significant work has been undertaken over the last four years to meet the growing need for specialist places through a 35% increase in commissioned numbers across Walsall special schools and a 22% increase in places across SRPs in mainstream schools and the medical PRU.

As part of plans to meet further additional demand, Cabinet in December 2022 approved funding of £2.48m to increase the number of places in SRPs in mainstream schools by 124.

As shown in the table below, 80 SRP places are in the detailed planning and delivery phase. Of these, 24 places have been delivered with a further 56 places to follow:

Table 4 Planned SRP Places

PLANNED SRPs		
SCHOOL NAME	PLACES	POTENTIAL OPENING
Meadow View Primary	8	Opened Oct-23
St James Primary	16	Opened Feb-24
Moorcroft Wood Primary	8	Sep-24
Blue Coat Junior	16	Sep-24
Rosedale Infant	8	Sep-24
Christ Church CofE Primary (KS2)	8	Sep-24
Ormiston Shelfield Academy	16	Jan-25
<b>TOTAL</b>	<b>80</b>	

The local authority is engaged in conversation with several further schools regarding development of the remaining 44 SRP places previously approved.

Upon delivery of these SRP places, there will be a total of 1,245 commissioned specialist places available across the borough.

## **4.5 Forecast shortfall of places**

The current model forecasts a need for an initial 1,985 specialist places in the 2027/28 academic year.

The LA currently has 1,121 commissioned specialist places.

The current SRP expansion scheme is programmed to deliver 124 places, taking the number of commissioned places to 1,245.

This leaves an estimated requirement initially for an additional 740 specialist places to the 2027/28 academic year.

These forecasts are an indicative need for places based on a historical trend model of requests for EHCP assessments and actual EHCPs that are issued. Over recent months the SEN service has developed a more rigorous approach to its decision-making process for EHCP, therefore reducing the rate of EHCP growth.

The forecasted impact therefore reduces the initial required places from 740 to circa 500. Therefore, the predicted places that will be required in 2027/28 will be circa 1,745.

We will be revisiting the model, monitoring the impact of the work above, and redefining the place needs on a 6 monthly interval.

The local authority will continue to look at meeting demand across the 4 key areas:

- LA commissioned special schools
- Resourced provision in mainstream schools
- Alternate Provision
- Independent special schools

As part of work to meet the estimated shortfall of places, the local authority is continuing conversations with Independent Special Schools to commission places with these providers where pupil's complex needs cannot be reasonably met through 'in-house' provision. The current forecasting model accounts for this through an assumption that a proportion of all pupils with EHC plans will require independent provision. The level of this assumption is kept under constant review.

## **4.6 Potential Schemes**

In assessing the options for place creation, the school organisation team and corporate landlord have considered the potential for the permanent expansion of existing special schools, within site constraints, along with opportunities within the council property portfolio to repurpose buildings to create new provision.

Following the production of feasibility studies, Head Teachers of all special schools have been consulted regarding their views on the feasibility options produced, appetite and organisational capacity for expansion. Heads have indicated their desire to support the process and have engaged with teams to create proposed options at their schools to undertake the works required.

The table below sets out all schemes that will be considered to address the forecast shortfall of places along with works to ensure suitability of some existing accommodation. These schemes are a combination of the outcome of feasibility studies undertaken by an external consultant and suggested areas for expansion as discussed with Special School heads.

The schemes identified currently over-provide for the estimated number of places required as these figures are based on feasibility studies. The scope of schemes may reduce through the detailed design process, whilst schemes may not proceed for various reasons.

As described above the range of forecasted places is between 500-740 therefore a flexible approach to programming and delivery will be taken to respond to future variations in forecast need for places as the model is refined, and the impact on EHCP growth is monitored.

*Table 5 Potential Schemes*

Site	Scheme	Total Places	Indicative Cost	Cost per place
Former Rowley Robins building	Internal alterations to existing building to provide 5 classrooms, sensory room, kitchen, dining, toilets and staff area.	47	£1,140,000	£24,255
Oakwood School (Walsall Wood Site)	Refurbishment and small extension of existing site to accommodate KS3/4 age pupils through widening of doors, remodelling of hygiene facilities, replacement of hoists etc.	0	£2,000,000	
Oakwood School (EDC Phase 5)	Complete the works to the main building following 4 previous phases of works.  Previous works totalled £3,550,000, along with phase 5 at £5,900,000 creates a total spend of £9,450,000 to secure 200 places.  <b><i>The overall total pupil numbers to be accommodated at the former EDC site is 200 with a total cost of £9,450,000 at a cost per place of £47,250.</i></b>	50	£5,900,000	£118,000
SRP programme expansion	Various maintained school sites. Mixture of internal refurbishment of existing space and new build accommodation	100	£4,700,000	£47,000
Phoenix Academy	Provision of KS1 block with two/three classrooms, breakout space and toilets. Internal alterations to existing to improve educational environment	33	£3,300,000	£100,000

Elmwood School	New teaching block linked to existing circulation space to include 6 classrooms, breakout spaces, toilets. Internal remodelling of building currently occupied by SEEDS to include 4 classrooms, toilets and admin.	56	£3,900,000	£69,643
Castle School	Provision of 14 additional classrooms, a DT room, dining hall and servery, toilets, storage and admin space in new build accommodation. Internal refurbishment of 9 rooms to ensure subject adjacencies (DT, Food Tech, Science)	100	£8,800,000	£88,000
Jane Lane School	Provision of 5 additional classrooms, behaviour support area, admin and storage in new build accommodation. Provision of sports hall including changing and toilets. Internal refurbishment/remodelling of 2 classrooms, hygiene room/toilets, admin area	45	£4,200,000	£93,333
Shepwell School	Standalone block to include 6 classrooms, intervention and group room, toilets.	70	£3,000,000	£42,857
Old Hall School	Two storey extension to provide 11 classrooms, breakout space, toilets. Internal alterations to create two larger classrooms, extension to hall and staff facilities	96	£9,900,000	£103,125
Mary Elliot School	Extension to existing building to provide 4 additional classrooms, 2 hygiene rooms and storage. Dining hall extension.	30	£3,500,000	£116,667
Oakwood School (EDC Phase 6)	Two storey extension to existing building to provide 22 classrooms, toilets and cleaners cupboards.	176	£19,800,000	£112,500
<b>Total</b>		<b>803</b>	<b>£70,140,000</b>	<b>£87,347*</b>

The figures in this table are the initial estimated costs which include, Construction Cost, Planning/Building Control Fees, Fees to statutory providers such as gas and electricity, Professional Fees and 20% contingency.

The figures in this table also include increases for indicative inflation expected over the estimated delivery period.

The indicative costs presented above are broadly in line with the most recent Educational Building and Development Officers Group (EBDOG) National School Delivery Cost Benchmarking report dated November 2023. In this report, the average cost per pupil place through re-build and extension of SEN Schools is calculated at £96,806. We therefore use £96,806 as the benchmark to identify Value for Money (VFM).

\* Our indicative program cost per pupil place of £87,347 shows a positive VFM position.

The schemes outlined represent a mix of expansions across the special school estate, within the constraints of the individual sites and with a view to manageable increases in pupil numbers following conversations with individual school leadership teams.

#### **4.7 Immediate Proposals**

To start to meet the forecasted demand for future years it is proposed to proceed with the following schemes immediately.

These schemes would start to deliver an initial tranche of 197 additional places as set out in the table above.

##### **Educational Development Centre (EDC) Phase 5 – 50 additional places**

There have been 4 phases of previous works completed at the former EDC to ensure provision for Special Educational Needs pupil places was met over the last few years.

Cabinet of 14<sup>th</sup> December 2022 approved the EDC as a permanent educational satellite site to Oakwood School. Corporate Landlord sought approval to progress phase 4 of the EDC expansion and noted a phase 5 would be required following completion of phase 4.

The cost of Phase 5 has been assessed as £5,900,000 by external quantity surveyors.

The completion of Phase 5 will provide an increase to a total of 200 pupil places across all 5 phases. The total cost of previous phases was £3,550,000 bringing the total cost of all 5 phases to £9,450,000, equating to £47,250 per place.

Recommendation section 3.2 seeks approval and funding for this project.

##### **Rowley Robins – 47 additional places**

Rowley Robins is currently an empty nursery building and it is proposed that the property be brought back into use and converted to a 5-classroom satellite facility providing 47 pupil places.

Rowley Robins is in good condition and requires internal reconfiguration and a small extension. The cost has been assessed by external quantity surveyors as being £1,140,000, equating to £24,255 per place.

Recommendation section 3.3 seeks approval and funding for this project.

## **Oakwood School (OS)**

As part of the development of the EDC as a satellite to Oakwood School, it is proposed that the existing school site in Walsall Wood be modified to accommodate a number of older, secondary aged, pupils with complex needs and larger assistive equipment. To accommodate these pupils, alterations to internal facilities such as widening of doors and corridors together with remodelled hygiene areas, hoists and welfare facilities are required to allow the school to cater for the pupils with the most severe need. The scope of the scheme may also include a small extension of the building to allow for space per pupil.

The school is generally in good condition therefore the amount of internal works required is minimal and does not require major alterations. Costs have been estimated to be approximately £2,000,000.

Taken together with EDC Phase 5 and previous works at the EDC to expand Oakwood School, this scheme would increase the cost per pupil place by £10,000 to £57,250.

Recommendation section 3.4 seeks approval and funding for this project.

### **Additional SRPs – 100 additional places**

Following on from the successful development of new SRPs in mainstream schools, it is proposed to expand this programme across more schools to help meet the need in localities. It is proposed to expand the programme by an additional 100 places, and it is estimated this will cost approx. £4,700,000 (£47,000 per place). The commissioning strategy for SRP places will be reviewed to ensure that maximum utilisation of these spaces can be achieved in line with the SEND Strategy vision regarding inclusion and access to mainstream education. Recommendation section 3.5 seeks approval and funding for this project.

## **4.8 Design development work for permanent expansions of Special Schools**

The remaining potential schemes in table 5 have been developed to initial feasibility stage by external consultants.

To meet the forecasted demand and to seek assurance that the initial feasibility studies can be delivered, it is proposed to proceed with design solutions to RIBA stage 4. This will include detailed design and specification for tender purposes.

It is estimated that £3,956,250 is required to progress these schemes to this stage. This amount is included in the £70,140,000 potential total requirement for expansion in table 5.

Recommendation section 3.6 seeks approval and funding for this project.

## 4.9 Pupil Referral Unit (PRU)

Whilst not specifically a SEN provision, New Leaf, our pupil referral unit for pupils who are permanently excluded from schools, is our provision for some of our most vulnerable pupils.

On 18 & 19 April 2018, New Leaf was inspected by Ofsted, who found that the school was Inadequate and cited the following:

- Accommodation is inadequate, the buildings are barely fit for purpose. The primary site is in very poor condition.
- To improve, New Leaf needs to take urgent steps to ensure that all pupils are taught in a safe environment by ensuring that all buildings are fit for purpose, adequately cleaned and well maintained.
- Safeguarding outcomes: - The arrangements for safeguarding are not effective. - The accommodation in the school is not fit for purpose. - Facilities for pupils are poor. - The primary site is dirty and badly maintained. - Pupils are not always taught in a safe environment. - The accommodation on the primary site is poor. - Some rooms on the secondary site are very small.'

In October 2019 a paper was brought to Cabinet relating to "Alternative Accommodation for New Leaf Pupil Referral Unit" and approval was given to progress the design and development of a new PRU at an estimated cost of £7.158m.

Subsequent to the Cabinet paper in 2019, due to the poor condition of the existing buildings, the PRU was relocated to Stroud Avenue, Willenhall as a temporary measure whilst the feasibilities and works were reviewed for the permanent build of the new PRU. A paper to Cabinet in August 2020 secured £850,000 for refurbishment works of the Stroud Avenue site.

A total of £8.008m has therefore previously been earmarked for the renewal of New Leaf.

Current expenditure including design and development work for the new PRU, along with refurbishment works at Stroud Avenue stands at £1.39m, with a total of £6.618m remaining of the earmarked funding.

Following an initial feasibility report by Faithful and Gould and discussions with the school, it is proposed that New Leaf remains at the current Stroud Avenue site on a permanent basis. This will require a programme of refurbishment including windows, doors, heating, and external areas at an estimated cost of £3.5m.

This would realise a significant saving on the original earmarked funding of approximately £3.1m. which could be reutilised to support the additional SEN places required across the borough.

It is proposed to proceed with design solutions to RIBA stage 4, to include detailed design and specification for tender purposes. It is estimated that £300,000 is required for the scheme to proceed to this stage.

Recommendation section 3.7 seeks approval and funding for this project.

#### **4.10 Previous Reports**

In December 2022 a report was brought to Cabinet regarding the increasing need for specialist school places in Walsall. Cabinet delegated authority to the Executive Director: Children's and Customer, in consultation with the Portfolio Holder for Education and Skills, to enter into agreements for the creation of 124 Specialist Resourced Provision places at mainstream schools at a cost of £2,480,000, to refurbish an area of the Education Development Centre (EDC) to provide additional 140 places as a satellite of Oakwood School at a cost of £1,140,000 and for desktop feasibility studies for the permanent expansions at our special schools at a cost of £500,000.

In April 2023 Cabinet approved additional funding for the creation of places within the EDC at a cost of £2,410,000.

### **5. Council Plan priorities**

Providing sufficient special school places in the borough is in line with *Our Council Plan 2022/2025* outcome 7, to ensure that:

- "Children and young people thrive emotionally, physically, mentally and feel they are achieving their potential".

The Markers of Success for this outcome are:

- 13. Children and young people have access to high quality education and training opportunities and that schools are more inclusive.
- 14. Children and young people with additional needs or in specific circumstances are identified and supported to have their health and education needs met

### **6. Risk management**

The provision of additional places will enable the Council to meet its statutory duty to ensure that there are sufficient school places to meet the increasing demand for special school places in the area and will create a greater opportunity for children to attend a local school.

Failure to provide sufficient specialist places poses significant risks to the LA:

- Breach of statutory duty to provide sufficient places, leading to inability to place pupils in appropriate setting. This may lead to legal proceedings such as Judicial Review, reputational damage, and financial risk.
- Increased use of high-cost independent placements and increased budgetary pressures.
- Increased use of SEND transport and accompanying budgetary pressures.

## 7. Financial implications

### 7.1 Capital Investment:

To make up the shortfall of potential 740 special places over the next five years, current estimated cost for the pipeline is £70.1m.

However, there are immediate plans to expand EDC, Rowley Robins and Oakwood Special School and additional SRP places that require total capital budgetary provision of £13.74m to provide 197 places.

In addition to this provision, 7.5% of the pipeline's estimated build cost is required to deal with the remaining gap in **circa £3.96m** to progress the feasibility studies to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and a procurement exercise to be undertaken.

### 7.2 Pupil Referral Unit: A total of £8.008m has previously been earmarked for the renewal of New Leaf (please refer to section 4.9 for detail).

Following an initial feasibility report by Faithful and Gould, the site will require a programme of works at an estimated cost of £3.5m (that is saving £3.1m from initial budget) as the New Leaf pupil referral unit to be permanently located at Stroud Avenue.

Out of the new estimated cost (£3.5m), £300k is required to progress the feasibility study to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and a procurement exercise to be undertaken.

### 7.3 Total Capital investment requirement of financial sum in the circa £17.7m is estimated to be required to deliver the special school places. Please see the table as below:

#### **Immediate plans for development:**

<b>School sites/other plans for Special Resource Provision</b>	<b>£'m</b>
EDC	5.90
Rowley Robins	1.14
Oakwood special school	2.00

Expand SRPs	4.70
<b>Total amount required for expansions</b>	<b>13.74</b>
Feasibility studies to RIBA stage 4/detailed design	3.96
<b>Total amount</b>	<b>17.70</b>

7.4 Historically, there have been significant risks associated with increased costs for existing school expansions. The contingency level for Walsall is currently set at 20% of the estimated costs as a basis and would be monitored as each scheme progresses.

7.5 **Funding arrangements:**

The current capital funding available to support these schemes is £29.6m (combination of Basic Needs £24.9m and High Needs Provision Capital Allocations £4.7m) after reducing the funding allocated to the New Leaf Pupil referral unit (as mentioned above in section 4.9) to £3.5m.

The Development Pipeline (the list of potential projects in future) holds £10m funds to support the current special educational needs where the grant falls short of the places needed. However, this will be subject to a detailed business case and approval from Strategic Investment Board (SIB – responsible to assess/scrutinise projects) and cabinet to access those funds.

7.6 The investment requirement of £17.7m to deliver the immediate special school places is expected to be funded from the combination of basic needs grant £13.7m and High needs Provision grant £4m.

7.7 HNPCA (High Needs Provision Capital Allocations) and Basic Needs are non-ringfenced grant given under Section 31 of the Local Government Act 2003, by the Department for Education (DfE) to Local Authorities (LAs).

The purpose of the funding is to support LAs to deliver new places and improve existing provision for children and young people. HNPCA grant is particularly for those with needs that are more complex and those who require alternative provision whereas the Basic Needs is for all the pupils including mainstream places as well as secondary school.

For HNPCA, Funding beyond 2023/24 to provide SEND places has not been confirmed. However, once the funding is announced, the HNPCA fund will be used first to provide additional needs places as Basic Needs fund is required for wider range of pupil places.

Note: Basic Needs (external capital grant), an additional £6.8m has been confirmed for 2025/26.

Every March there is a refresh of additional funding available to the Local Authority and it is likely that based on the need and projected growth of place requirements that the funding will continue to be seen.

- 7.8 For the consideration of remaining pipeline, costs will not be known in their entirety until more work is carried out, however following the feasibilities a more detailed idea of costs will be known.

For the detailed appraisal of each site to be undertaken feasibilities will need to be instructed, and as with any feasibility it is possible that a site may be deemed unsuitable and therefore this would be an abortive cost(revenue).

- 7.9 Currently, commissioned places in LA Maintained and Academy special schools' cost on average £30,000 per year, based on core funding of £10,000 per place and c£20,000 top up funding based on complexity of need.

In comparison, placement fees at an independent special school currently cost between £60,000 - £90,000 per year, dependent on complexity of need.

It is therefore estimated that, based on an average cost of £75,000 for an independent specialist place, for every 50 specialist places delivered within Walsall an annual revenue saving of £2,250,000 could be realised.

Against a programme to deliver the potential 740 places this equates to a potential revenue saving of £33.3m per annum.

- 7.10 Educational Building and Development Officers Group (EBDOG) have published the National Benchmark limit to determine the Value for Money (VfM) for special needs pupil places. The latest figures published in National School Delivery Cost Benchmarking report for November 2023 is £96,806 and aligns to the overall average costs per pupil place as detailed in the report.

- 7.11 The revenue costs of providing / supporting all special school places and high needs provision that are available and required are funded through the High Needs block of the Dedicated Schools Grant (DSG) funding that the authority receives. The DSG is a ring-fenced specific grant, provided outside the local government finance settlement. It must be used in support of the schools' budget for the purposes defined in regulation 6 and schedule 2 of the School and Early Years Finance (England) Regulations 2023. The DSG is regularly monitored by the LA and ESFA through a DSG management plan.

## **8. *Legal implications***

- 8.1 Failure to provide places would cause a breach of statutory duty and may lead to judicial review proceedings if the LA is unable to place pupils with EHC plans

in appropriate settings. This could result in legal, reputational and financial risk to the LA.

8.2 Where a SEN provision is provided to a non-maintained school/s additional grant agreements and potentially variation to leases, Academy, will be required.

8.3 If Cabinet approves the recommendations of this report, legal advice will be taken about educational and planning issues and consents arising together with the contractual arrangements for any subsequent design and build work, plus any related supplies of goods and services as part of the full feasibility study.

## **9. *Procurement Implications/Social Value***

9.1 Procurement advice will be taken about the proposals if Cabinet approves the Recommendations. We will need to consider how we procure the next stages of design advice, and options for future procurement of a contractor to implement.

## **10. *Property implications***

10.1 The proposed expansion programme will have a significant impact on the Council's educational estate, providing enhancements to the operational benefit of schools. The programme will entail extensive works to extend, alter and remodel the portfolio, and will in some instances see the construction of new buildings.

10.2 In accordance with any well-planned construction programme it will be important to undertake pre-construction feasibility activity and site surveys to inform all necessary consents, as well as construction costs, and future maintenance responsibilities. Such consents will need to include planning and building regulations in addition to any specific requirements of other statutory bodies/undertakers.

## **11. *Health and wellbeing implications***

In relation to the Marmot principles the most relevant principles in line with pupil place planning with school builds is that enabling all children and young people to maximise their capabilities and to have control over their lives through the provision of appropriate facilities to meet their educational needs.

## **12. *Reducing Inequalities***

It is of crucial importance to the Council's strategic objectives that the young People of Walsall can access the right provision to meet their need to achieve the appropriate qualifications, progressing to employment and / or training and to make a positive contribution within the Borough in the future.

## **13. *Staffing implications***

There may be a requirement for schools to employ additional staff to accommodate the larger numbers of pupils, there will be no redundancies from this scheme.

**14. *Climate Impact***

Corporate Landlord will review each scheme to reduce the carbon footprint which may include renewable heating solutions, natural ventilation systems, avoiding air-conditioning, and sourcing carbon neutral materials where possible.

**15. *Consultation***

This paper has been brought to Cabinet following internal consultation with Council representatives, directors and the portfolio holder for Children's Services, wider consultation is not required.

**16. *Decide***

The increase of places at special schools is necessary for the Local authority to meet its statutory duties of providing sufficient school places for all Walsall residents.

**17. *Respond***

Subject to approval, schemes will begin to undertake the necessary works at EDC, Rowley Robins and Oakwood School to enable the schools to admit additional pupils as soon as possible.

Consultants will be commissioned to undertake detailed designs and costings for the special schools based on current feasibility study options.

Work will continue with mainstream schools to identify and secure capacity for expanded SRP places.

**18. *Review***

Annual reviews of the pupil projections are due to be included in the annual School Capacity (SCAP) survey which is submitted every July for mainstream places.

The SEN Modeler will also be reviewed on a bi-annual basis to ensure that the requirements of places are aligned with the projections. Updated forecasts will be reported through School Estate Strategy Group, Children's Capital and Assets Board and Children's DMT. The forecast numbers will also be reflected in future reports to Cabinet regarding SEND Sufficiency.

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