

North Somerset Council Decision



**Decision Of: Director of Children's Services
With Advice From: Head of Strategic Planning &
Governance**

Directorate: Children's Services

Decision No: CY65 2022/23

Subject: Outcome of the autumn 2022 High Needs Provision Capital Allocations (HNPCA) for the 2022/23 and 2023/24 financial years consultation and next steps to support the use of these funds to provide places and support for children and young people (CYP) with special educational needs and disabilities (SEND) and those pupils requiring alternative provision (AP).

Key Decision: Yes

Reason: As the funding exceeds £500,000 and the places or enhanced accommodation will be available across more than one ward across the North Somerset area.

Background:

In March 2022 the Department for Education announced the High Needs Provision Capital Allocations (HNPCA) for the 2022/23 and 2023/24 financial years. HNPCA is paid to Local Authorities (LAs) to support the provision of places for children and young people (CYP) with special educational needs and disabilities (SEND) and those pupils requiring alternative provision (AP).

Details of the North Somerset grant allocations are listed below:

Allocations				
	2022/23	2023/24	2024/25	Totals
Special Provisions High Needs	£ 1,696,470.00	£ 2,713,824.00	TBA	£4,410,294.00

The DfE expects councils to fulfil their statutory responsibilities and keep their local offer of services and provision under review. In this respect we were required to consult in an appropriate and proportionate manner with local parents, carers, young people, and providers when developing our local capital strategy for this grant. When providing details of our capital spending plans through our Grant Assurance Data return (required by 1 October 2022) we are to set out the details of any relevant consultation or engagement with local stakeholders undertaken in developing our capital proposals.

Within North Somerset we are working to:

- ensure children and young people are educated locally where possible
- enable pupils to remain supported in mainstream provision or on mainstream sites and continue to receive quality teaching that can be assisted by having appropriate facilities
- commission the right numbers of places in our specialist provisions, increasing or creating new places where demand cannot be met within the mainstream sector

We have also been told by the DfE we must reduce our High Needs overspend to have a balanced year-on-year budget position by 2026/27. This is a non-negotiable requirement, and this capital allocation is to be used to help facilitate this.

Our consultation concentrated on providing support to the groups identified below:

- children and young people with a Social, Emotional and Mental Health (SEMH) diagnosis who are suffering from anxiety and struggling to access a normal school environment. This has increased in part due to the recent pandemic and the impact this has had on people's mental health.
- The increasing numbers of children and young people progressing through the autism assessment pathway as their needs are now becoming more clearly identified.
- pupils in schools where their setting needs room alterations or small-scale adaptations to allow them to continue to attend.
- children and young people who require access to Alternative Provision (AP) where their needs could be better provided for if we enhance or replace the 'Voyage Learning Campus' (VLCs) existing sites.

This Decision Sheet summarises the response to our recent consultation undertaken between 5 – 23 September 2022 and makes recommendations for future schemes to support the following groups of children and young people:

- Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP; and
- Pupils who require Alternative Provision (AP) (including children in AP settings without an EHCP).

It will be essential that any organisations offered funding will be able to deliver high quality and fully inclusive support to children and young people, both within the new provisions and across their wider school or MAT organisations.

Decision:

- To note the responses to the consultation that supports the Council's plans to use the HNPCA to create extra Nurture Groups, Resources Bases for pupils with anxiety and with autism, the reasonable adjustments of school sites where room alterations or small-scale adaptations will facilitate a continued or enhanced school experience for some pupils with SEND and a review of our AP physical spaces to better meet demand and needs of those without EHCPs who are unable to attend mainstream schools

- To agree to further work with those schools and organisations who have expressed an interest in supporting pupils through the schemes identified in 1 above and listed in this decision paper.

Reasons:

The DfE tell us that funding should be used primarily to meet the capital costs associated with providing new places and improving existing provision, for:

- Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP; and
- Pupils who require Alternative Provision (AP) (including children in AP settings without an EHCP).

Our schemes concentrate on these categories of children and young people.

Options Considered:

To not consult with our stakeholders in the hope that we are progressing options that will meet the needs of our children and young people and the organisations that support them.

To not use the capital grant and return it to the DfE.

We have been encouraged to work together with local health and care partners to jointly plan and commission the local offer as appropriate. Our partners were sent links to this consultation and encouraged to respond. We were also asked to consider how we can collaborate with other LAs to form partnerships to work effectively across local borders and should consider any other emerging recommendations made in the SEND Review. This work is ongoing, although no responses to the consultation recommended that the funding should be allocated outside of North Somerset.

Financial Implications:

Guidance on the allocation of the HNPCA is available at [High Needs Provision Capital Allocations Guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/high-needs-provision-capital-allocation-guidance.pdf)

Costs:

To assist with the above, we have sought support for our plans and initial expressions of interest from schools, Multi-Academy Trusts (MATs) and Early Years Providers to deliver years 2 and 3 of our 5-year capital programme (with the final 2 years of schemes as yet unfunded). Indicative allocations are shown below:

Indicative Allocations				
High Needs Capital Funding Allocation	2022/23 Financial Year £	2023/24 Financial Year £	Totals £	Purpose
Resources Bases	500,000	500,000	1,000,000	To provide 2 further resources bases on existing sites by developing or providing new

				accommodation at existing locations
Nurture Groups	150,000	150,000	300,000	To provide 5 further Nurture Groups on existing sites by reconfiguring existing accommodation
Reasonable Adjustments	596,470	1,613,824,	2,210,294	To make adaptations to c 6 - 10 sites to ensure that the needs of pupils can be met
PRU enhancements	300,000	300,000	600,000	To develop or reconfigure the existing or new accommodation
Early Years/Post-16	150,000	150,000	300,000	To provide 2+ new or expanded early years/post-16 facilities on existing sites to support the integration of placements for SEND early years children into mainstream provision or the expansion of the local post-16 offer by reconfiguring existing accommodation
Totals	1,696,470	2,713,824	4,410,294	

These schemes and allocations will need to be developed within an overall HNSPF capital programme and separate approvals sought in line with financial regulations before any final proposed schemes are progressed.

Funding:

Details of the North Somerset grant allocations are listed below:

Allocations				
	2022/23	2023/24	2024/25	Totals
Special Provisions High Needs	£ 1,696,470.00	£ 2,713,824.00	TBA	£4,410,294.00

Legal Powers and Implications:

The High Needs Provision Capital Allocations (HNPCA) are being provided as an un-ringfenced grant under section 31 of the Local Government Act 2003, subject to conditions detailed in an associated Grant Determination Letter.

Whilst it is ultimately up to LAs to determine how to best prioritise this funding to address local priorities, the DfE want to work alongside LAs to reform the current system and achieve a shared endeavour to tackle cost inflation and secure a financially sustainable high needs system. Whilst the SEND Review proposals will help to achieve these changes longer term, the DfE expects LAs to make use of the increased capital investment being made available to improve the suitability and sufficiency of high needs provision in their areas over the next three years. Funding beyond 2025 is contingent on the outcomes of future Spending Reviews and additional capital funding beyond this period cannot be guaranteed. It is therefore critical that prudent decisions are taken now to ensure the sustainability of the system for the longer term.

Climate Change and Environmental Implications:

The DfE is committed to supporting the Government's targets on climate change, including achieving net zero carbon emissions by 2050 target, as set out in the Climate Change Act 2008. To help LAs achieve the sustainability and design standards required to achieve net zero, HNPCA funding for 2022-24 includes an uplift to support LAs with the additional costs associated with net zero construction.

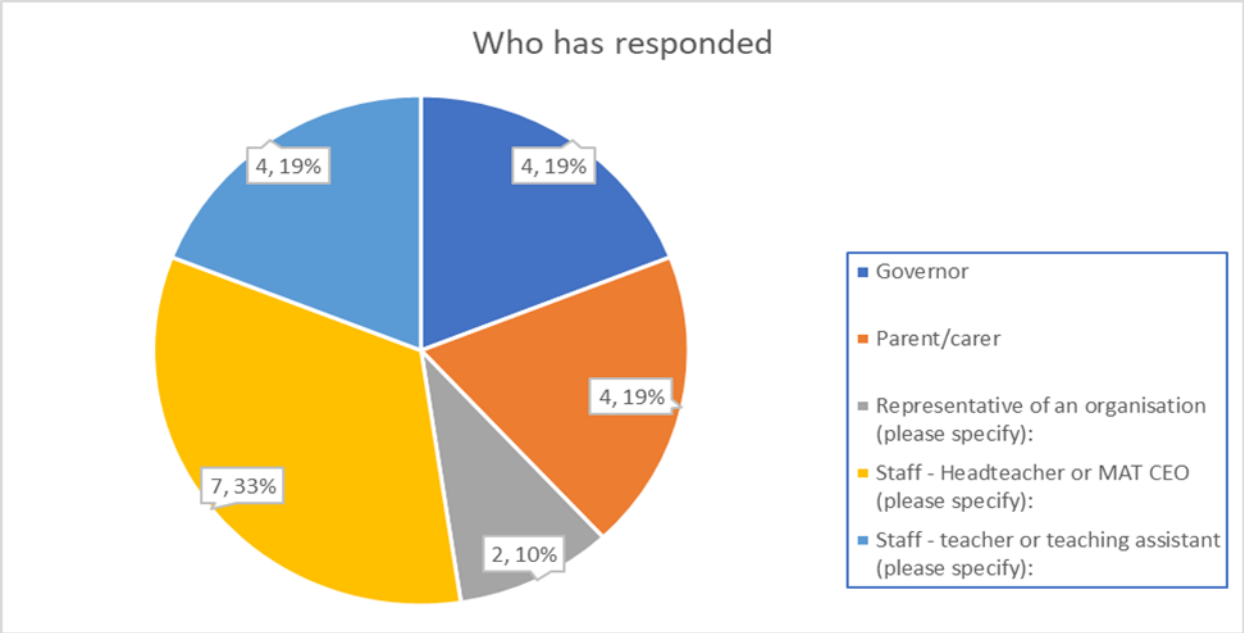
Having more local SEND places within the community assist the council in reducing our reliance on home to school transport for pupils with SEND or AP needs.

Consultation:

The HNPCA consultation was made available on North Somerset's e.consult website and sent to the following groups: All schools and governing bodies across North Somerset, MATCEOs and Trust Boards, trade unions; Town and Parish Councils; the Diocese of Bath & Wells; Diocese of Clifton; National Secular Society, Weston College, Early Years Stakeholders; SEND Stakeholder groups, neighbouring LAs.

Targeted updates were also sent to the SEND Partnership Board, the Education Excellence Partnership Board, the Strategic School; s Forum and it was also highlighted in Noticeboard (our local school's newsletter) and our SEND partnership colleagues.

In total 18 responses to our e.consult consultation and four emails schools and MATs were received by the closing date. 21 of the 22 responses commented on the questions raised, whilst the 22nd was in response to question 5 only. In summary, responses to the consultation came from the following groups:



Responses to the questions raised were as below:

Q1: Based on the information you have been given, do you agree there is a need to create more specialist places for pupils locally within or attached to mainstream schools?

A1: There was 100% support to this proposal. Comments included: the need to enhance our current provision with a balance of specialist placements that are away from the main mainstream sites, as some sites are simply too big for some students; more early, or different intervention through Nurture Groups and Alternative Provision to reduce the number of requests for statutory assessment and EHCPs being issued; a need to support students is in their own schools; and a recognition that the need is for anxiety and autism. Areas of concern were around places being fully revenue funded and that the on-going costs should not be at the detriment to schools or Trusts and that Multi-Agency support should be readily available to support pupils and schools. Places should also be available to all qualifying pupils across North Somerset, not exclusive to those pupils attending the home school (or Trust) if true need is to be met.

Q2: Based on the information you have been given, do you agree with the LAs priorities to create these specialist places within or attached to mainstream schools?

A2: Just over 95% of responders supported this proposal whilst a single parental response equating to the remaining 4.8% did not, although no reason was given for this. Comments included: Some places quickly are better than no places; support for the current ASD hubs was given with a recommendation that hubs should be available for the whole North Somerset community and not just the students within those individual schools; that the cost/benefit analysis can be difficult as regards small groups or single student and that sometimes provision at a school for an individual student can become unused when the student leaves; and that any plans should be part of a transparent, long-term strategy, that enables a sustainable and successful provision that can develop over time and respond to changing needs.

Q3: For establishments only: Are you able to provide the space for a Nurture Group or Resource Base on your school site ?

A3: Offers to provide new provisions were suggested as follows:

- The VLC could have space for an anxiety hub at the Milton site, alongside the current 'medical tuition' provision IF there is investment in finding appropriate long-term accommodation for alternative provision for those primary children who have been, or are at risk, of permanent exclusion.
- Further Nurture and Behavioural Support at Worle Community School, part of the Priory Learning Trust
- St. Anne's Church Academy is currently a split site at West Wick and Hewish. They could extend the West Wick site to accommodate the Hewish children and repurpose the Hewish site to be SEND/AP only.
- Milton Park Primary are offering a space for a Nurture Group or Resource base.
- Clevedon School offered a range of support that could include a new build with a clear strategy for being able to refer students for short, mid- or long-term interventions; or a stand-alone, yet integrated facility so that there was a synergy yet unique identity between the two institutions; or an on-site provision to formalise a current temporary arrangement for meeting the needs of the wider Clevedon community
- The Lighthouse Schools Partnership Trust are offering to explore development of a Primary Resource Base for initially KS1 ASD pupils on the site of one of our Portishead based primary schools, expanding to KS2 over time once more space has been provided and funding secured. They also offered an ASD Resource Base provision at Gordano School to allow for Secondary transition for ASD pupils as needed from the primary phase across the town. In addition, they could offer a Resource Base on their primary school site in Congresbury with a further secondary ASD Resource Base at another local secondary school. These could be run by LSP (with leadership capacity added) or in partnership with existing North Somerset Specialist Provision to provide leadership capacity.
- Yatton Infant and Junior Schools already have a Nurture group but would be interested in an ASD base in 2 – 3 years' time

Additionally, Gordano School felt their large site may not be suitable for vulnerable students and they would require significant building works

Q4: For establishments only: If you have responded yes to question 3, please provide details of the contact person so we can discuss your offer in more detail

A4: Contact details have been provided.

Q5: For establishments only: What reasonable adjustments (physical changes) might you need to ensure that more children with special educational needs can remain in your school?

A5: Physical capacity requests were sought by/for:

- Clevedon School, to meet needs as identified in Q3 above
- Gordano School require a separate space and enclosed private outdoor space

- Nurture Group and Resource Base spaces across ELAN schools, dependent on existing spare capacity and the needs of the new provision
- A sensory space at Yatton Infant and Junior Schools
- PLT, to support the creation of a new provision on the older of a 2nd site of one of their primary schools in Weston super Mare (subject to ensuring the right availability of mainstream placements at their remaining primary school site)
- PLT to create a new provision(s) at Worle School as currently being developed at Priory School
- Churchill Primary would like to create some break out spaces where their learning mentor and others can help children who need time to refocus away from the classroom
- Milton Park (ELAN) would be interested in exploring having specialist Early Years provision on their site and a Nurture Group or Resource base. They also spoke of a need for ramps to assist pupils with physical impairments and of noise reduction aids to make halls and large spaces less overwhelming for some pupils

Q6. Based on the information given do you have any concerns about equality impacts that you would like to raise?

A6: Of those answering this question 9 responders have no equality concerns, 4 had no view and 4 had equality concerns. None of those responding indicated that they protected characterises, but they were responding on behalf of those who may as follows:

- That the hubs give children with ASD the support they need and allow them to fulfil their potential with education challenging enough for their varied needs
- Concerns that those in low socio-economic groups could be disadvantaged if provision is not made in those areas unless there was a guarantee of home to school transport. There would need to be flexibility and an understanding of the need
- Students attending VLC and their parents can clearly see a difference in provision and environment upon transfer from their mainstream school. Equality surely demands that a time of greater need that the facilities show that student has equal worth.
- Staffing costs is of huge concern and a barrier to jumping in straight away - these students need specialist and sometimes expensive labour support which is currently very hard to recruit / deploy.

In addition, a general comment was raised that ‘ establishments will need to establish an inclusive approach in policy and practice - facilities alone will not meet the huge unaddressed need in NS’; and a recognition that all children and young people’s needs should be recognised including those ‘acting inward’ who are no less important than the child who is ‘acting out’. The quieter introvert may need as much support to overcome difficulties and be taught new skills, but in a stretched setting may not be able to be seen as a priority. Any such concerns should be addressed and negated during the assessment, design and scoping process of any provision.

Q7: Additional Comments

Additional comments included:

- support to this capital funding in creating more inclusive settings must be accompanied with provision that is tailored to meet a child / Young Person's needs;
- a personal comment about the different needs of children and young people, even within the same family, where various solutions may be required and that we need to expand this system as there is insufficient support now and a need for more specialist places;
- Support to the council's commitment to investing in alternative provision through the VLC, although a recognition that the overall funding is not sufficient to meet all of this school's accommodation needs, especially if a new replacement Oldmixon site is required
- support of North Somerset using all available means to provide additional spaces for SEND children in NS, but that this will only be sustainable if the funding and revenue to support these units is protected. If funding is reduced, maintaining these units will be extremely difficult. While this capital project will provide additional spaces, the numbers of pupils already requiring extensive financial support will not be reduced
- A need to ensure the VLC's medical tuition accommodation fit for purpose.
- General support from those schools and MATs who have responded to the consultation

In addition to the written responses, two public meetings were held on 12 and 13 September 2022 and attended by 8 and 11 external consultees from across the schools and Cllr community respectively. There was 100% support to the recommendations for this capital grant with the comments made echoing those shared in the written responses above.

Risk Management:

Effective engagement with parents and carers is crucial in building and implementing a strategy that develops support for local changes. Undertaking this consultation has enabled the Council to ensure that its capital strategies will meet the needs of children and families.

The main risk identified by those responding to the consultation is that the revenue available to support new provision will not be available. There is an imminent review of Top Up Funding due to take place shortly where these concerns can be fully debated, and decisions taken to inform future funding allocations.

Equality Implications:

There were no comments made by anyone with a Protected Characteristic, although the concerns raised in question 6 of the consultation are noted. The Council wants to increase local provision to ensure that, as much as possible within the financial and capital constraints we work within, the individual needs of pupils can be met in provisions within their community. This includes supporting those in lower socio-economic groups for which free home to school transport should be available to eligible students attending their nearest appropriate school.

Equality of provision is key, and this includes access to suitable accommodation. Whilst the HNPCA grant is insufficient to address all concerns, it is hoped its use can start to address some of these.

In addition, a general comment was raised that ' establishments will need to establish an inclusive approach in policy and practice - facilities alone will not meet the huge unaddressed need in NS'; and a recognition that all children and young people's needs should be recognised including those 'acting inward' who are no less important than the child who is 'acting out'. The quieter introvert may need as much support to overcome difficulties and be taught new skills, but in a stretched setting may not be able to be seen as a priority. Any such concerns should be addressed and negated during the assessment, design and scoping process of any

Corporate Implications:

The council has a statutory duty to secure sufficient school places for its residents. This applies to both mainstream and SEND provision.

Whilst capital funds can be used to pay for capital schemes, the council does need to provide sufficient revenue funds to support the delivery of education. Currently the revenue for specialist places and Top -Up Funding is secured from the High Needs element of the government grant paid to Council's to cover school revenue funding. The Council has been told by the DfE we must reduce our High Needs overspend to have a balanced year-on-year budget position by 2026/27. This is a non-negotiable requirement, and whilst this capital allocation is to be used to help facilitate this, a failure to reduce the overspend on the High Needs budget could have revenue implications for the Council after 2026/27.

Whilst capital funds can be used to pay for capital schemes, the council does need to provide sufficient revenue funds to pay for the development of schemes, their scoping and the oversight of its capital programmes. This cost needs to be funded from the council's revenue budgets.

Appendices:

See appendix 1 with the summary of responses.

Background Papers:

None

Signatories:

Decision Maker(s):

Signed:

Title: Director of Children's Services

Date: 17.10.22

With Advice From:

Signed:

Title: Head of Strategic Planning and Governance

Date: 17.10.22

Footnote: Details of changes made and agreed by the decision taker since publication of the proposed (pre-signed) decision notice, if applicable: