

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	To approve for the LA to submit applications for a new Special free school and a new Alternative Provision free school – Waves 2022
<b>Decision Maker:</b>	Trevor Cook, Assistant Director of Education
<b>Cabinet Member:</b>	Councillor Oscar Ford, Cabinet Member for Children’s Services
<b>SLT Lead:</b>	Robert South, Director of Children’s Services
<b>Report Author and contact details:</b>	Pooneeta Mahadeo, School Organisation Manager <a href="mailto:pooneeta.mahadeo@havering.gov.uk">pooneeta.mahadeo@havering.gov.uk</a> Tel. 01708 431092
<b>Policy context:</b>	<p>In March 2022, the Government published the Special Educational Needs and Disabilities (SEND) &amp; Alternative Provision (AP) Green Paper: <a href="#">Right Support, Right Place, Right Time</a>, setting out a vision for a reformed SEND and AP system which allows children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time.</p> <p>Over the next 3 years, the DfE will be investing £2.6 billion to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This includes</p>

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	delivering up to 60 new special and AP free schools, in the places where they are most needed.
<b>Financial summary:</b>	There are no financial implications from submitting the applications. If successful the applications offer the potential to secure funding for a new 300 place free special school and a 200 place Alternative Provision free school securing approx. £30m capital funding.
<b>Reason decision is Key</b>	(a) Expenditure or saving (including anticipated income) of £500,000 or more  (c) Significant effect on two or more Wards
<b>Date notice given of intended decision:</b>	19/07/2022
<b>Relevant OSC:</b>	People OSSC
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

### **The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

***Place an X in the [] as appropriate***

## Key Executive Decision

### Part A – Report seeking decision

#### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve that the LA submit applications to the Department for Education (DfE) for a new special free school and a new Alternative Provision free school.

#### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, section 2.6, paragraph (q) of the Constitution gives the Lead Member the power to agree urgent policy matters.

#### STATEMENT OF THE REASONS FOR THE DECISION

On the 10 June the DfE launched the 'How to Apply' guidance for the 2022 Special and AP free school application Waves. Over the next 3 years, the DfE will be investing £2.6 billion to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This includes delivering up to 60 new special and AP free schools, in the places where they are most needed.

Local authorities (either as a lead or sole applicant) can submit an application for one special and one AP school in total in their area.

#### Special free school

Applications for new **special free schools** will be part of a two-stage process, where local authorities are invited to apply for a new special free school in their area followed by applications from Academy Trusts to run the new schools. A good local authority application will be able to demonstrate that a new school fits with its wider strategy for high needs provision – including where a new school will help reduce dedicated schools grant (DSG) deficits.

Once the department has completed its assessment of local authority bids, they will be asking successful local authorities to take the lead on the assessment of applications to run the schools approved in their area.

As at January 2022, there were 2016 children and young people aged 3-25 who have an Education Health Care Plan and who live in Havering. This is projected to increase to 3204 (59% increase) by 2026/27.

The Table below shows the projections for SEND by broad areas of need

Borough wide (Nursery, Primary, Secondary, Special School, Post 16 and Post 19) SEND projections -Havering pupils with an EHCP attending a Havering or out borough provision at the end of the academic year.

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<b>Academic year</b>	<b>Cognition and Learning</b>	<b>Communication and Interaction</b>	<b>SEMh</b>	<b>Physical and/or Sensory</b>	<b>Totals</b>
2019/20	546	862	249	186	<b>1843</b>
2020/21	544	905	272	173	<b>1894</b>
2021/22	586	1024	320	187	<b>2118</b>
2022/23	623	1122	366	195	<b>2306</b>
2023/24	665	1220	422	196	<b>2503</b>
2024/25	712	1328	496	198	<b>2733</b>
2025/26	745	1440	575	201	<b>2962</b>
2026/27	789	1554	650	211	<b>3204</b>

- Cognition and Learning –We expect there to be a year on year increase in this category of need with an increase of 45% between 2020/21 and 2026/27.
- Communication and Interaction - Historical trend shows a high increase between 2019/20 and 2020/21 in this category of need. We expect an increase of 72% between 2020/21 to 2026/27.
- SEMh – Historical trend shows an increase between 2019/20 and 2020/21 in this category of need. We expect an increase of 139% by 2026/27.
- Physical and/ or Sensory – We expect a small year on year growth in this category of need with an increase of 22% between 2020/21 and 2026/27.

Overall we are expecting an increase in all types of need to continue. The Havering High Needs Strategy proposed to meet the increase in demand for SEND places by delivering an ongoing programme to create more SEND Units in mainstream settings and commissioning new special free school(s) through the free school wave route for for pupils with Communication and Interaction and SEMh needs that cannot be met within an ARP setting.

The council currently have 166 children attending special schools out of the borough which adds pressure to the Council's High Needs Budget. The majority of the pupils have Autistic Spectrum Diagnosis (44), Speech, Language and Communication needs (18) and Social, Emotional Mental Health needs (45). There are a range of reasons why out of borough placements are required, it can be because educational needs cannot be met locally but also there are social care needs which mean lack of capacity and availability of residential and foster placements are a factor.

The LA is applying for a 300 place special school which will create provision for the increase need for SEN places and to reduce the number of Havering pupils being place in out borough provision due to lack of specialist provision.

The site being earmarked for this new school is Balgores Field, Romford RM2 6BP.

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There are no particular policy designations on the Balgores field, which is a parcel of green field land restricted by covenant for educational purposes. The land is not designated as “Parks, Open spaces, Playing fields and Allotments (DC18)” – Appendix 1.

### Alternative Provision (AP) free school

Commitment from local authorities and collaboration between local partners are key to the success of **alternative provision free schools**. This has been at the heart of a new approach to applications for AP free schools and as a result, the DfE is inviting applications from **partnerships** comprised of a lead applicant (provider), local authorities, and other relevant local stakeholders. Priority will be given to applications where a new AP free school fits with the local authority’s wider strategy for high needs provision, including areas where there is no provision rated ‘Good’ or ‘Outstanding’ by Ofsted, or where there are no AP schools or Pupil Referral Units (PRUs).

The definition of alternative provision is as follows: Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education and education arranged by schools for pupils on a suspension and pupils being directed by schools to off-site provision to improve their behaviour.

Table 1 - Illustrates the increasing trend for pupils accessing Alternative Provision through the Inclusions Gateway. The pupils accessed AP both in 'AP on school site' as dual registered and 'AP offsite' as dual and single registered. Pupil referred were those who fell into the definition above.

**Table 1**

<b>Number of pupils placed annually</b>	Autumn	Spring	Summer	Total	Increase
2018/2019	133	119	49	301	
COVID Schools Closures 2019/2020	202	110	20	332	10%
COVID Schools Closures 2020/2021	138	105	142	385	16%
2021/2022	237	288	172	677	81%

The strategic vision of Alternative Provision (AP) delivery in Havering has identified that there is a need for gap-filling in AP specialist areas. At present many pupils being presented for Permanent Exclusions or suspensions appear as a result of diagnosed / undiagnosed SEND needs where managing pupils’ behaviour within school settings is challenging often resulting with the head teacher issuing permanent exclusions.

Following the SEND and AP review after the public consultation in Summer 2022, Local Authorities Alternative Provisions are expected to play an integral part of local SEND systems by requiring new local SEND partnerships to plan and deliver an alternative provision service focused on delivering early intervention.

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Havering has in place a quality assurance framework for alternative provision which sets standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.

Currently Havering does not use any unregistered alternative provisions and although we do have 3 settings that can offer full time education to secondary aged children, the demand for places is increasing. For children who are unable to attend school due to medical needs the LA funds 24 places.

Havering has 1 alternative provision that can offer full time education to primary children however this provision can only accommodate 6 children at any one time and can often result in children being placed cross border at a significant expense.

The green paper advises that LA's should open new alternative provision free schools where they are most needed. Koru Independent School is situated in the North of the borough in an area of high deprivation. Havering experiences the majority of its permanent exclusions along with fixed term suspensions from this area.

The proposal is to submit an application for an all through 200 place AP free school by Koru supported by the Local Authority. Koru is an Independent Alternative Provision School operating at 90 Taunton Road, Romford offering 50 AP places to educate and support students with their secondary education from ages 11 to 16.

Koru currently lease the building from the Council and the proposal is to apply for a new 200 place all through AP school on that site as shown in Appendix 2.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

None

If the bid for the special school is successful, the local authority will need to take the lead on the assessment of applications to run the school approved. We will carry out a borough wide consultation to seek a sponsor for the school.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature: P Mahadeo

Date: 15/08/2022

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

At this stage there is minimal legal risk in submitting applications as the Council would not be committed to accepting any proposed awards.

However, the proposed sites would need a detailed evaluation to ensure there are no potential risks or issues in using these for the proposed sites of the schools. The time table that has been planned in the Guidance should be strictly followed. For instance, the Lead Applicant should submit pre application form between 12 September and 17 October 2022 and comply with other deadlines.

### **FINANCIAL IMPLICATIONS AND RISKS**

There are no financial implications arising from the submission of the bid itself. The bid will be compiled by existing Council staff. However, it does provide the opportunity for the Council to attract funding for the provision of SEN and AP places, something it would otherwise have to fund from existing resources.

Although the Council has already earmarked some funds within the expansion programme to provide some SEN places there is insufficient funding to provide for a new special school and no funding to provide a new AP school. The opportunity provided by this bid to attract additional funding is a very welcome one.

The current revenue funding arrangements are that the provider will receive £10,000 per place and in addition to this will charge the local authorities that commission the provision a top-up rate per pupil. The top-up rate would normally be the rate that main commissioning LA (in this case Havering) pays its other special school and AP providers in the area. In Havering, the top-up rate for special schools is determined using a matrix of special need with current rates ranging from £6,667 to £36,000 depending on the assessed level of need. The current top up rate for AP is £13,162.

The £10,000 per place is paid by the Education and Skills Funding Agency (ESFA) but the cost is recouped from the LA's Dedicated Schools Grant (DSG) High Needs Block. The per pupil top up funding is paid directly by the commissioning LA from its High Needs Block. The High Needs Block allocation received by the LA includes a sum of £5,076 for each pupil attending a special school but the bulk of the allocation is determined by the population aged 2-18 and historic spend levels from 2017-18.

The saving that may be achieved will be approximately more than £500,000. Additionally the saving may take several years to achieve, and this will ease the pressure on the DSG and General Fund. It is to note that some existing placements will continue for the foreseeable future, and that has been factored in the saving. If things remain unchanged, then the costs will be significantly more.

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### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no HR Implications arising directly from this report.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

As part of the planning process for new schools, local authorities must also undertake an assessment of the impact of the proposal, both on existing educational institutions locally and in terms of impact on particular groups of pupils from an equalities perspective. The Local Authority will need to carry out a EQIA and provide this information before publication if our application is approved.

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

In Havering we are committed to developing the most inclusive communities which are welcoming and supportive of all. Our aspiration for all our children and young people are the same and this is that they should all have the best opportunities to achieve and fulfil their potential. Our aim for children and young people with special educational needs (SEN) is even more ambitious in that we want them to enjoy their education in the most inclusive environment possible and be supported in participating as fully as they can in the lives of their schools and local community.

The local specialist provisions will ensure that all children can have their needs met in a school as close to home possible. This is to ensure that they are in the right school at the right time so that they may participate fully in the lives of their schools and make the most of their learning opportunities, supporting schools and families to help children and young people remain and develop into participative members of their local schools and community.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

Under the DfE's sustainability and climate change strategy, any DfE instigated new build (not already contracted) will be net zero in operation by 2023.

### **BACKGROUND PAPERS**

None

### **APPENDICIES**

Appendix 1  
Appendix 2



**Key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_