



# Children, Education and Safeguarding Committee

18<sup>th</sup> November 2021

<b>Title</b>	<b>Special Educational Places Plan</b>
<b>Report of</b>	Chairman of the Committee, Councillor David Longstaff
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix – Barnet Special Educational Places Plan – Consultation Document
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## Summary

The report provides an update on specialist provision for children and young people with special educational needs and disabilities and sets out a draft plan (Barnet Special Educational Places Plan – Consultation Document) to ensure sufficiency of SEND provision in Barnet over the next three years.

## Officers Recommendations

1. That the Children, Education and Safeguarding Committee approves the Barnet Special Educational Places Plan Consultation Document, which sets out proposals for additional provision of specialist places for children and young people with special educational needs and disabilities and the proposed use of the Special Places Fund, and that the committee authorises the Executive Director for Children's Services to carry out consultation on the draft plan.
2. That the committee authorises the Executive Director for Children's Services, following consultation with the Chairman of the Committee and in the light of the responses to the public consultation, to finalise the Special Educational Places Plan and proposals for use of the remaining Special Places Fund allocation.

### 1. Why this report is needed

- 1.1 In March 2019, the Children, Education and Safeguarding Committee received a report on the Special Educational Needs and Disabilities Strategy, including initial proposals for increasing the provision of specialist places for children and young people with special educational needs and disabilities and the proposed use of the Special Places Fund. It authorised the Executive Director for Children's Services to finalise the Special Educational Places Plan and proposals for use of the remaining Special Places Fund allocation following consultation with the Chairman of the Committee and in the light of the responses to the public consultation.
- 1.2 Subsequently, following the public consultation, in September 2019, the Executive Director for Children's Services approved the Special Places Plan and proposals for allocation of the Special Provision Fund.
- 1.3 In November 2020, the Children, Education and Safeguarding Committee received a report on education strategies, which included a draft new SEND and Inclusion Strategy 2021-24, which was approved for consultation. Following consultation the strategy was approved by the Executive Director for Children's Services. The strategy reported that the council had increased places at Oakleigh special school, Oak Lodge special school, Kisharon special school and Northway special school and was continuing to support the development of the Windmill Free school as part of the Oak Lodge Academy Trust so that more young people can have their needs met locally. The strategy included plans to update the SEND sufficiency and needs analysis to provide the necessary data to inform decision making about further provision to meet future needs. That would then lead to an updated Special Places Plan.
- 1.4 The report on education strategies in November 2020 also included an update on 'Planning for new school places update, which included details of the additional specialist SEND places created in the previous year and the plans for further additional places to be created in 2021.
- 1.5 The SEND sufficiency and needs analysis was completed earlier this year but has been reviewed and updated on a regular basis because of the significant increase in the number of children and young people with special educational needs who have an Education, Health and Care Plan (EHCP). The number rose from 2,402 in November 2019 to 2,682 in November 2020 to 2,899 in September 2021, an increase of nearly

21% in two years. Although a significant proportion of children and young people with an EHCP attend mainstream schools, the increase in numbers has been matched by a proportionate increase in the need for specialist places in Special Schools and in Additional Resource Provisions (specialist provisions attached to mainstream schools).

- 1.6 Officers have responded to the growing demand for specialist places by seeking creative solutions to the provision of specialist places, which have gone beyond the previous Specialist Places plan. This has included further expansion on the sites of special schools, additional ARP provision and the creation of special school satellites on mainstream school sites. Special schools and mainstream schools have been very supportive and flexible in enabling the increased provision to be developed, often at short notice.
- 1.7 The attached consultation document sets out the development of additional specialist provision that has occurred since 2019, forecasts of the additional places required over the next three years and proposals on how to meet that additional need.
- 1.8 The draft plan (consultation document) also sets out proposals for allocating the additional capital funding made available to the council by the Department for Education for the creation of additional specialist places for children and young people with special educational needs and disabilities.
- 1.9 It is proposed to consult on the draft Special Educational Places Plan between 19th November and 17th December. Consultees will include the Barnet Parent-Carer Forum, schools, trade unions and delivery partners, including health and social care. Following consultation, and taking account of consultation responses, it is proposed that the Executive Director for Children's Services, in consultation with the Chairman of this committee, be authorised to finalise the Special Educational Places Plan and the allocation of the Special Places Fund.

## **2. Reasons for recommendations**

- 2.1 The draft Special Educational Places Plan sets out proposals to increase the provision of specialist places for children and young people with special educational needs to enable the council to meet its statutory duty to secure sufficient specialist places to meet the needs of children and young people with special educational needs and disabilities.

## **3. Alternative options considered and not recommended**

- 3.1 The Council could decide not to have a formal plan and to deal with increasing need on a case by case basis. However, this is likely to lead to increased use of independent provision and does not meet the principles set out in the SEND Code of Practice, namely to involve children, their parents and young people in planning, commissioning and reviewing services, ensuring there is high quality provision to meet the needs of children and young people with SEN and focusing on inclusive practice.

## **4. Post decision implementation**

- 4.1 There will be consultation with stakeholders between 19th November and 17th December 2021 on the draft Special Educational Places Plan. The Executive Director

for Children's Services will approve the final plan and the allocation of the Special Places Fund in the light of the consultation.

## **5. Implications of decision**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The quality of the education offer in Barnet is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools.
- 5.1.2 Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to delivering the Council's strategic objectives set out in its Corporate Plan, 'The Barnet Plan 2021 to 2025', based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
- of opportunity, where people can further their quality of life;
  - where people are helped to help themselves, recognising that prevention is better than cure;
  - where responsibility is shared, fairly;
  - where services are delivered efficiently to get value for money for the taxpayer.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The Special Educational Places Plan will be delivered within existing revenue resources. The revenue costs of any additional places will be funded from the High Needs Block of the Dedicated Schools Grant. The revenue costs would be greater if the council has to rely on independent, non-maintained and out of borough places to meet the additional demand for specialist places instead of investing in extra provision locally. In relation to capital funding, the council's medium term financial strategy contains provision for new school places, including for those children and young people with SEND.
- 5.2.2 The capital funding identified in the council's medium term financial strategy will be partly funded by the government capital grant for the creation of specialist SEN places. This amounted to £3.0 million across 2018/19 to 2020/21 (£1.0m each year), which was then increased by a further £2.1 million in 2018 and has now been increased by a further £2.9 million, bringing the total to £8.031 million. This provides the council an opportunity to devise plans to meet an anticipated shortfall in the provision of local specialist places for children and young people with SEND.
- 5.2.3 The Appendix to the Consultation Document indicates planned spending of £8.031 million, including a contribution of £366,544 towards the cost of the proposed new special school annex. As the Special Provision Fund is capped at £8.031 million, any other capital costs will need to be met by the council. The council has already agreed to allocate £1.0 million towards the cost of the new Windmill school and £1.0 million towards the cost of re-providing an ARP at Claremont School when the school is rebuilt as part of the Brent Cross redevelopment.

### 5.3 Legal and Constitutional References

- 5.3.1 Article 7 - Committees, Forums, Working Groups and Partnerships of the council's constitution states that the committee has responsibility for all matters relating to children, schools, education and safeguarding.
- 5.3.2 Section 7 of the Education Act 1996 places a duty on parent/carers of children of compulsory school age to ensure that their children receive an efficient full-time education suitable to their age, aptitude and ability and any special educational needs they may have either by regular attendance at school or otherwise.
- 5.3.3 The Council has duties under the Children and Families Act 2014 in relation to children with special educational needs and disabilities (SEND). It also has duties under that Act to consult parents, young people and other stakeholders on strategies and policies setting out how it will fulfil its duties.
- 5.3.4 Section 13 of the Education Act 1996 places a duty on local authorities to secure efficient primary, secondary and further education are available to meet the needs of the population of their area. Section 13A requires local authorities to ensure that their functions are exercised with a view of promoting high standards, ensuring fair access to opportunity for education and training and promoting fulfilment of learning potential for children and young people in its area. Section 14 requires local authorities to secure sufficient schools and sufficient is defined by reference to number, character and equipment to provide appropriate education based on age, ability and aptitude, as well as ensuring diversity of provision. These duties are overarching duties and apply regardless of whether schools are maintained by the local authority or independent of local authority support.
- 5.3.5 Section 27 of the Children and Families Act requires local authorities to keep under review their educational, training and social care provision for children and young people with SEND to ensure it is sufficient to meet the educational, training and social care needs of the children and young people concerned. Subsection (3) requires the local authority to consult the following persons on such a review:
- Children and young people with SEND and their parents;
  - Maintained schools and nursery schools, academies, Post-16 institutions and non-maintained special schools in the local area;
  - Children's centres and early years providers;
  - Providers of education and youth offending teams that have responsibility for educating relevant children and young people.
- 5.3.6 The special provision capital fund has been provided by central Government for the purpose of improving the quality and range of provision for children and young people with SEND aged 0-25 years. The Department for Education Special Provision Capital Fund Guidance confirms that the fund is not ring-fenced and can be used to create new places at good or outstanding provision or improve or develop new facilities. The funds can be pooled with other funding or with other local authorities and can be spent on provision outside the local authority's area if this will help meet need for children

and young people within its area. The funds can be used for maintained schools, academies, early years institutions, Post-16 institutions and independent schools providing provision for children and young people with SEND. It is expected that the fund is used in a way that helps local authorities to manage the cost pressure on the high needs block of the designated schools' budget. The provision is not intended for higher education, provision for those aged over 25, creating additional places for pupils who do not have an EHC plan, reasonable adjustments to increase accessibility (this being the responsibility of the school), mobility equipment or maintenance works, revenue expenditure such as training or staff costs or maintenance works.

- 5.3.7 If prescribed alterations are proposed to be made to a maintained school, the school or Council will still follow the statutory process, including statutory consultation, on these changes. Guidance on this process is set out in the Department for Education guidance, 'Making significant changes ("prescribed alterations") to maintained schools – October 2018'. Academy schools will be expected to follow the process set out in their funding agreement. Guidance on this process is set out in the Department for Education guidance, 'Making significant changes to an open academy and closure by mutual agreement – November 2019'.

## **5.4 Insight**

- 5.4.1 None

## **5.5 Social Value**

- 5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders

## **5.6 Risk Management**

- 5.6.1 All pupil place planning is based on pupil projections and there is a risk that the projections are inaccurate. There is a risk that the needs of groups of children change over time. Future provision will be developed to promote flexibility to respond to changing needs.

## **5.7 Equalities and Diversity**

- 5.7.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 5.7.2 The protected characteristics are:

- age

- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

5.7.3 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and to keep them under review in decision making, the design of policies and the delivery of services. School improvement monitoring, supporting and challenging arrangements ensure that the quality of education in Barnet is maintained and improved. Outcomes for all groups of children and young people are monitored including children with special educational needs and disabilities and disadvantaged children (those in receipt of free school meals and children looked after). Barnet's Children and Young People Plan and the Education Strategy 2021-2024 both have a strong focus on improving outcomes for disadvantaged groups of children and young people.

5.7.4 The Plan is intended to improve outcomes and choice for children and young people with SEN and will therefore positively impact on children and young adults, working age adults who are parents and children and young people with disabilities.

## 5.8 Corporate Parenting

5.8.1 A disproportionate number of looked after children have special educational needs. Ensuring appropriate arrangements are in place for children and young people with special educational needs and disabilities will thus be of clear benefit to significant numbers of looked after children.

## 5.9 Consultation and Engagement

5.9.1 The report proposes consultation on the draft Special Educational Places Plan. Subject to this committee's approval, there will be consultation with stakeholders from 19<sup>th</sup> November until 17<sup>th</sup> December on the draft plan. The list of stakeholder groups and consultation methodology for each group is set out in the following table:

Stakeholder Group	Method of consultation
Children and young people with SEN and disabilities	Focus groups (including BING – Barnet Inclusion Next Generation) Survey (via Engage Barnet)
Parent-carers of children with SEN and disabilities	Survey Virtual meeting (arranged with Barnet Parent Carer Forum)
Governing Bodies of all schools	Survey Virtual meeting

<b>.Stakeholder Group</b>	<b>Method of consultation</b>
Academy Trusts	Survey
Early Years providers, including Children's Centres	Survey
Chief Executive/Principals of local colleges	Survey
Youth Offending Team	Survey

## 5.10 Environmental Impact

### 5.10.1 None

## 6. Background papers

- 6.1 Children, Education and Safeguarding Committee, 13 March 2019 - Special Educational Needs and Disabilities Strategy – update:  
<https://barnet.moderngov.co.uk/documents/s51547/SEND%20Strategy%20Update%20Report.pdf>
- 6.2 Children, Education and Safeguarding Committee, 30 November 2020 – report on Education Strategies:  
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=10095&Ver=4>