

NORTH YORKSHIRE COUNTY COUNCIL

CHILDREN AND YOUNG PEOPLE'S SERVICE

CORPORATE DIRECTOR'S MEETING WITH EXECUTIVE MEMBERS

4 December 2018

**SPECIAL PROVISION CAPITAL FUNDING**

**1. Purpose of report**

1.1 The purpose of this report is to:

- Give an update on year 1 Special Provision Capital Funding (SPCF) work
- Set out proposals for use of the SPCF in years 2 and 3 (2019 -2021)
- Outline next steps in respect of the SPCF.
- Seek Executive Members approval to consult on proposals.

**2. Background**

2.1 The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and/or disabilities (SEND), working with parents/carers, young people and providers.

2.2 In 2017 DfE committed £215 million as a Special Provision Capital Fund (SPCF) to further develop capacity and improve facilities in provision for children and young people with Education, Health and Care Plans (EHCPs). North Yorkshire was initially allocated a total of £500,000 over three years from 2018/19 to 2020/21. In 2018 DfE committed a further £50 million to the SPCF, which was allocated to local authorities using the same formula. North Yorkshire will therefore receive a further £116 279 in years 2 and 3 of the funding, meaning the total from 2018 to 2021 is £616 279.

2.3 North Yorkshire received the first tranche of funding in August 2018, following consultation and publication of the SPCF plan in line with DfE requirements. In order to receive future years' funding there must be further consultation, and the LA's plan must be updated and republished. The next deadline for this is 29<sup>th</sup> March 2019.

2.4 The SPCF is intended for children and young people with Education, Health and Care Plans and can be used for:

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

Further information can be found in the guidance on the SPCF at <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans> .

2.5 Although consultation about the SPCF and the publication of North Yorkshire's plan for year 1 of the funding took place at different times to consultation on the Strategic Plan for SEND education provision (the Strategic Plan), the two pieces of work are closely linked, and the use and expected impact of the SPCF is included in the Strategic Plan proposals.

### **3. Year 1 of the SPCF**

**3.1** Work funded through the SPCF in Year 1 has either been completed or is in progress:

- The feasibility study was completed at The Forest School and the resulting work is being funded by Schools Condition Grant. This will result in an increase of 25 places at the school. The additional places will begin to be commissioned from September 2019.
- Work at Springwater School to improve facilities has been completed. Although there was not an increase in capacity associated with this work, in fact an additional 6 places have been created and will be commissioned from September 2019.
- Work at both the Dales School and Springhead School is underway and 6 additional places will be commissioned from each school from September 2019.

### **4. Years 2 and 3 of the SPCF**

**4.1** In year 1, £163 000 of SPCF was allocated, leaving £453 279. The next version of the LA's plan for the SPCF needs to include plans for the whole of this amount.

**4.2** It was agreed in 2017 that the priority for the use of the SPCF in North Yorkshire would be to invest in developing sufficient specialist places within the county to establish sufficiency in order to ensure children and young people can be educated nearer to home and high needs funding can be used to support North Yorkshire schools in meeting the needs of children with SEND.

**4.3** The number of children and young people with EHCPs continues to rise. There were 2600 children and young people with EHCPs in June 2018, and this is predicted to rise to over 3300 by 2022, an increase of around 30%. In this context the priority for use of the SPCF remains the same.

**4.4** Proposals for use of years 2 and 3 of the SPCF have been considered by the Strategic Plan capital working group and the Strategic Plan and High Needs Funding Programme Board. Information considered included:

- A report and feedback from site visits to special schools to consider maximising use of space and potential capacity
- Overall strategic plan proposals and implications including requirements for the proposed Moorside/Mowbray satellite development
- Proposals about possible developments in mainstream schools

**4.5** Discussions have also taken place with the Special School Headteachers and more detailed discussions with the Headteachers of special schools where it is proposed to allocate funding.

**4.6** CYPLT discussed the proposals on 22<sup>nd</sup> November 2018 and agreed for them to be presented to Executive Members to seek approval for consultation.

**4.7** In the light of the priority outlined in 4.2 and 4.3 it is proposed that years 2 and 3 of the SPCF is allocated as follows:

<b>School</b>	<b>Proposed work</b>	<b>Rationale</b>	<b>Cost</b>
Brooklands School	Increase in capacity alongside improvement in facilities.	<p>The work would increase capacity by 6-8 places and also there would be improvement in facilities e.g. changing area and wet room.</p> <p>Current forecasting indicates the need for these additional places.</p>	£79 600
Moorside/ Mowbray satellite provision – Ripon area	Capital work required to the Moorside infant school site to adapt it to become a satellite of Mowbray Special School.	<p>The work would deliver a satellite provision of Mowbray School which is currently heavily oversubscribed.</p> <p>The plan is for this to be a provision for primary aged pupils starting with 30 pupils and rising to 60.</p> <p>Current forecasting indicates the need for such provision.</p> <p>This would be a significant increase in capacity which would improve the North Yorkshire special school offer and reduce the need to send children to out of area, higher cost provision.</p> <p>There was support for the proposal to develop this provision during the Strategic Plan public consultation. The first consultation period for school organisation processes on the development of the satellite provision is was completed on 9<sup>th</sup> November 2018. In general consultees were supportive of the proposal.</p>	£373 679 to cover internal and external works.

Both of the identified projects are in different geographical areas from work in year 1 of the SPCF giving more equity across the county.

**4.8** An Equalities Impact Assessment has been developed for the SPCF proposals and this is attached at Appendix 1.

## **5. Next steps in respect of the Special Provision Capital Fund**

**5.1** The timeline of actions for the SPCF years 2 and 3 is as follows:

- Proposals to be presented to Executive members for clearance to consult on proposals – 4<sup>th</sup> December 2018
- Formal consultation – 7<sup>th</sup> January to 15<sup>th</sup> February 2019
- Overview and scrutiny committee - 18<sup>th</sup> January 2019
- Subject to consultation outcomes, proposals to be taken to the Executive for approval to implement - 12<sup>th</sup> March 2019
- Publication of SPCF plan by 29<sup>th</sup> March 2019.

**6. Recommendations**

**6.1** It is recommended that Executive Members:

- Note the update on Year 1 SPCF work
- Agree the proposals for use of the SPCF in years 2 and 3
- Give approval to progress to consultation on the proposals for years 2 and 3 of the SPCF.

STUART CARLTON  
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE

**Report prepared by Jane Harvey, Strategic Planning and Development Officer (SEND)**

Action Agreed .....Executive Member

Date:

Action Requested .....Corporate Director

Date:

## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

### *Capital Plan – Special Provision Capital Fund August 2018*

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Children and Young People's Service – NYCC Inclusion Service
Lead Officer and contact details	Jane Le Sage - Assistant Director – Inclusion
Names and roles of other people involved in carrying out the EIA	Jane Harvey - Strategic Planning & Development Officer (SEND) Sarah Whorlton – 2020 Project Manager

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<p>How will you pay due regard? e.g. working group, individual officer</p>	<p>This project has been governed through a strategic Programme Board and monitored through Children and Young People's Leadership Team.</p> <p>All changes are going through the formal public consultation process, as per requirements for the Special Provision Capital Fund.</p> <p>Following this the plan for the Special provision Capital Funding will be considered for sign off by The Executive on 12<sup>th</sup> March 2019.</p> <p>This EIA will be reviewed and finalised depending on the outcome of the consultation.</p>
<p>When did the due regard process start?</p>	<p>Project started August 2018. Public consultation commences 7<sup>th</sup> January 2019.</p>

**Section 1. Please describe briefly what this EIA is about.** (E.g. are you starting a new service, changing how you do something, stopping doing something?)

Local authorities must ensure there are sufficient good school places for all pupils, including those with SEND. The Government has committed £265 million of special provision capital funding (SPCF) to help local authorities develop provision for children and young people with SEND, in consultation with parents and providers.

Local authorities can invest their share of the SPCF in:

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

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

North Yorkshire County Council (NYCC) has been allocated a total of £616 279 SPCF funding over a 3 year period.

Local authorities must publish a short plan that sets out how they intend to invest their SPCF allocation, which is visible to parents, carers and other local groups. The plan for local authorities' SPCF allocations should sit coherently with their wider strategic plan. North Yorkshire published its plan for year 1 of the SPCF in timescales by 14<sup>th</sup> March 2018. This can be seen at <https://www.northyorks.gov.uk/send-specialist-support-and-provision>. The plan must now be reviewed and updated to show what they have spent so far and to show updates to the plan. This must be done by 29<sup>th</sup> March 2019.

This EIA considers the impact of the proposed allocation of years 2 and 3 of SPCF funding which is set out in the NYCC SPCF Plan.

The changes proposed which NYCC is intending to go out to public consultation on, is in relation to:

- Works to improve special school facilities and increase capacity at Brooklands School, Skipton.

- Development of a satellite site for Mowbray School on the Moorside Infant School site, alongside the amalgamation of Moorside Infant and Junior School (school organisation process underway.)

The local authority has also developed an overarching strategic plan for SEND education provision, which was approved by The Executive on 4<sup>th</sup> September 2018. The plan can be seen at [www.northyorks.gov.uk/sendplan](http://www.northyorks.gov.uk/sendplan). There has been significant informal and formal consultation undertaken with parents, carers, and professionals to shape the final Strategic Plan, which includes increasing provision within special schools.

Although consultation about the SPCF has and will take place at different times to consultation on the Strategic Plan for SEND education provision (the Strategic Plan), the two pieces of work are closely linked, and the SPCF is included in the Strategic Plan proposals. Phase 1 of the Strategic Plan includes the implementation of year 1 SPCF work and consultation on years 2 and 3. Phase 2 of the Strategic Plan includes implementing years 2 and 3 of SPCF work.

The overall strategic plan will include action to explore additional opportunities for securing capital funding to further develop different kinds of SEND education provision across the county.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The proposals put forward are to ensure that the local authority can receive the allocated £616 279 SPCF and ensure this is effectively used to improve facilities and create additional special school places for children and young people with SEND in North Yorkshire.

The changes in years 2 and 3 aim to:

- Increase the number of special school places by at least 66 places for young people with SEND within North Yorkshire;
- Improve facilities at Brooklands special school.
- Support the development of a satellite site for Mowbray Special School.

The authority hopes to achieve;

- Receipt of years 2 and 3 of SPCF from the Department for Education, to implement the above changes;
- An increase in special school places to allow more children and young people with SEND to be educated in North Yorkshire.

**Section 3. What will change? What will be different for customers and/or staff?**

Increased places for SEND provision in special schools will enable more young people with SEND to be educated in their local area and/or in North Yorkshire.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Involvement and consultation has been undertaken through a phase of informal engagement, followed by a formal consultation process.

**Informal engagement**

- Site visits were undertaken with all North Yorkshire special schools to consider maximising use of space and potential capacity
- Initial discussion with Special School Headteachers took place on 11<sup>th</sup> September 2018.
- Ongoing meetings/discussion about developing Mowbray Satellite alongside amalgamation of Moorside Infants and Junior School have taken place with LA and schools staff
- Meeting with NYPACT, North Yorkshire's parent/carer forum on 8<sup>th</sup> November 2018

**Formal consultation**

- A formal consultation took place from 18<sup>th</sup> May to 28<sup>th</sup> June 2018 on the Strategic Plan for SEND Education provision. This included consultation on the proposals to:
  - Increase the number of specialist day places in North Yorkshire special schools to ensure that children requiring specialist places can be educated locally
  - Explore establishing satellite specialist provision in the Ripon area
  - Implement the approved plan for year 1 of the SPCF
  - Consult on the proposals for using years 2 and 3 of the SPCF during phase 1 (of the Strategic Plan)
 These proposals were supported.
- Formal school organisation processes including consultation are taking place in respect of the establishment of the Mowbray School satellite. Formal public consultation took place from 21 September 2018 and closed on 9 November 2018. In general, consultees were supportive of the proposed change. The Executive is due to consider authorising the publication of proposals and statutory notices on 27<sup>th</sup> November 2018.
- There is a planned formal consultation on the plan for years 2 and 3 of the SPCF. This will take place from 7<sup>th</sup> January 2019 to 15<sup>th</sup> February 2019.

Existing communication methods will be used to promote the consultation for example via the e-Red Bag to schools, Local Offer, NYPACT, NYCC website, media releases. We will be ensuring that a clear message is delivered to ensure customers understand the context of this consultation – which is to receive the remaining SPCF from the DfE for years 2 and 3 (2019-2021), and how this supports proposals in the wider work of the strategic plan for SEND education provision.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

If the SPCF plan for years 2 and 3 is published by 29<sup>th</sup> March 2019, and approved by the DfE, NYCC will receive the remaining SPCF - £453 279, over years 2019/20 and 2020/21.

This funding will need to be spent according to the guidelines of the SPCF. (Please see <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans> for a link to the DfE guidelines).

<b>Section 6. How will this proposal affect people with</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
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## Appendix 1

protected characteristics?				
Age	✓	✓	✓	<p><b>Customer:</b> For some young people of school age increased places and improved facilities for special education provision will provide more opportunity for children and young people to be educated in North Yorkshire/locally and improve outcomes.</p> <p>There may be a negative impact in that the proposals for the satellite provision of Mowbray School will be for primary pupils, which means that at present there will be no similar provision for secondary pupils in the Ripon area. This will be mitigated in due course as there is ongoing work as to how secondary pupils will be provided for.</p> <p><b>Staff:</b> No identified impact.</p>
Disability	✓	✓		<p><b>Customer:</b> For some young people with a disability and special educational needs, increased places and/improve facilities for special education provision which will provide more opportunity for children and young people to be educated in North Yorkshire/locally and improve outcomes.</p> <p><b>Staff:</b> No identified impact.</p>
Sex (Gender)	✓	✓		<p><b>Customer:</b> Whilst it is anticipated there will no negative impact, as the SEND population of young people with an EHCP plan is higher amongst boys, proportionately there may be an improvement for more boys than girls.</p> <p><b>Staff:</b> No identified impact.</p>
Race	✓	✓		<p><b>Customer:</b> It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project.</p> <p><b>Staff:</b> No identified impact</p>
Gender reassignment	✓			<p><b>Customer:</b></p>

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	✓			<p>It is anticipated there would be no identifiable impact in relation to gender reassignment as a result of the project.</p> <p><b>Staff:</b> No identified impact.</p>
Sexual orientation	✓			<p><b>Customer:</b> It is anticipated there would be no identifiable impact in relation to sexual orientation as a result of the project.</p> <p><b>Staff:</b> No identified impact.</p>
Religion or belief	✓			<p><b>Customer:</b> It is anticipated there would be no identifiable impact on specific religious groups or beliefs as a result of the project.</p> <p><b>Staff:</b> No identified impact.</p>
Pregnancy or maternity	✓			<p><b>Customer:</b> It is anticipated there would be no identifiable impact as a result of the project.</p> <p><b>Staff:</b> No identified impact.</p>
Marriage or civil partnership	✓			<p><b>Customer:</b> It is anticipated there would be no identifiable impact as a result of the project.</p> <p><b>Staff:</b> No identified impact.</p>

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	✓	✓		<p><b>Customer:</b> At this early stage it is not possible to identify specific impacts on people who use the services, carers or staff, as proposals are still being formulated.</p> <p>There may however be a beneficial impact on those living in rural areas if more local places are created.</p> <p><b>Staff:</b> No identified impact.</p>

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...have a low income?	✓			<b>Customer:</b> No identified impact.
	✓			<b>Staff:</b> No identified impact.

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics?** (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

As above there may be an impact on pupils with a disability of secondary age given that the Mowbray satellite provision is for primary pupils. This will be mitigated in due course as there is ongoing work as to how secondary pupils will be provided for.

<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	
<b>2. Adverse impact - adjust the proposal -</b> The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	✓
<b>3. Adverse impact - continue the proposal -</b> The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)  Option 2 has been chosen as the EIA has identified possible negative impact for secondary pupils with disabilities, given that the proposed satellite provision for Mowbray School is primary, however mitigation actions have been indicated.	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

We will monitor the effectiveness of the proposals through the wider strategic plan for SEND education provision.

We will be able to evidence more children and young people with SEND have sustained places in local settings, schools and colleges that are judged good or outstanding by Ofsted.

An SEND Strategic Plan Programme Board meets on a monthly basis which provides a further forum to discuss issues and provide direction and resolution.

There will be monitoring via the proposed North Yorkshire Inclusion Partnership.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Formal consultation	Jane Le Sage	15 <sup>th</sup> February 2019		Through the Programme Board
Publication of SPCF plan	Jane Le Sage	29 <sup>th</sup> March 2019		Through the Programme Board.
Review of the SPCF plan	Jane Le Sage	December 2019		Through the Programme Board.

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This EIA has identified that the proposals for the SPCF, if approved, would have a positive and negative impact for children and young people with SEND.

Negative impact relating to the protected characteristic of age has been identified in respect of the proposal for the Mowbray satellite provision. Mitigating action has been identified.

Positive impact has been identified in relation to increased places and improved facilities for special education provision providing more opportunity for children and young people to be educated in North Yorkshire/locally and improve outcomes. It has also been identified that proportionately there may be an improvement for more boys than girls.

### Section 13. Sign off section

This full EIA was completed by:

**Name: Sarah Whorlton**

**Job title: Project Manager**

**Directorate: Central Services**

**Signature:**

**Name: Jane Harvey**

**Job title: Strategic Planning and Development Officer**

**Directorate: Children and Young People's Service**

**Signature:**

**Completion date: 14<sup>th</sup> November 2018**

**Authorised by relevant Assistant Director (signature): Jane Le Sage**

**Date: 14<sup>th</sup> November 2018**