

Delegated Cabinet Member Key Decision Report

Decision Maker and Portfolio area: Cllr Paul Jacques, Education and Culture

Date of Decision: 26 September 2018

Subject: SEND Special Provision Capital Funding

Report Author: Paula Green, Education Provision Manager

Ward (s): All Wards

Reason for the decision:

Summary:

In July 2017 the Department for Education (DfE) announced capital funding to support the creation of new places or improve existing facilities and provision for children and young people with SEND aged 0 to 25 (with an EHC Plan): the Special Provision Capital Fund (SPCF).

The LA has to make a decision as to how the SPCF is allocated. Oldham LA have been allocated £500 000.

Recommendation(s):

The recommendation from the LA moderation panel is to extend the educational offer at Kingfisher Special Academy to include specialist 2 year old preschool provision for children with severe and complex learning difficulties. The provision would offer 16 places at any one time, with the flexibility to offer a greater number as these would be part time places. Total cost - £330 000. Full details of the proposal are attached at appendix A.

Three other recommended projects total £102 500 and are detailed on a separate report.

Implications:

What are the financial implications?

The total capital cost is £330 000. This total could be lowered if the capital works are done together with the Kingfisher hydropool.

It is requested that the funding is taken from the Basic Needs Funding and replaced over the 3 years of allocations of the SPCF (£166 000 per year). (James Postle)

What are the procurement implications?

Strategic Sourcing approve the recommendation with the proviso that any works associated with school expansions are to be carried out in line with EU Regulations and Oldham Council's Contract Procedure Rules.

It would be prudent to ensure that the proposed recommended options, including the expansion proposals are aligned with the council's overall commercial strategy in relation to school expansions. (Darren Judge)

What are the legal implications?

The Council has a statutory duty to ensure that there are sufficient places to provide for appropriate education.

Legal Services will provide legal advice and support as and when required to do so to support the proposed expansion programme and will advise on the consultation process to mitigate any risk of legal challenge.

Legal Services will provide legal advice in relation to the procurement of the contractors and the drafting of relevant contractual documentation. (Colin Brittain)

What are the Human Resources implications?

There are no HR implications from a statutory perspective. Expansion of existing provision will provide valuable employment opportunities in the borough. (Andy Collinge)

Equality and Diversity Impact Assessment attached or not required because (please give reason)

EIA completed 13.04.2018.

What are the property implications

The proposed project is planned to deliver

spaces in the most economic manner and represents an efficient utilization of the existing site. (David Rhodes)

Risks:

The risk associated with the capital funding is low due to the total of the funding coming directly from the DfE.

By implementing a scheduled and robust programme of capital works and expansions the risk of running short of school places will be reduced and the likelihood of creating high quality places will be increased. (Mark Stenson)

Co-operative agenda

A co-operative council delivering good value services to support a co-operative borough.

The provision of sufficient numbers of quality school places is a statutory service and contributes to the Council's outcome around Getting the Basics Right. (Dominic Coleman)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Reason why this is a Key Decision

- (1) to result in the local authority incurring expenditure or the making of savings which are, significant (over £250k) having regard to the local authority's budget for the service or function to which the decision relates; or
- (2) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

The Key Decision made as a result of this report will be published within **48 hours** and cannot be actioned until **five working days** have elapsed from the publication date of the decision, unless exempt from call-in.

This item has been included on the Forward Plan under reference EEEY-03-18.

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
Special Provision Capital Fund Guidance	Paula Green
Consultation document for providers	Paula Green

Report Author Sign-off:	Paula Green
Date:	13.04.2018

Please list any appendices:-

Appendix	Description
A	Kingfisher SPCF Provider Request Form

Background:

- Local authorities must ensure sufficient school places and secure provision for children with special educational needs and disabilities (SEND). The Children and Families Act 2014 places specific statutory responsibilities on local authorities for supporting children and young people with SEND.
- In July 2017 the Department for Education (DfE) announced capital funding to support the creation of new places or improve existing facilities and provision for children and young people with SEND aged 0 to 25 (with an EHC Plan): the Special Provision Capital Fund (SPCF).
- In order to access the funding, the local authority is required to allocate a share of the funding to providers and publish a Plan, following consultation with parents, carers, and providers, which sets out how the SPCF will be used.

Proposals:

- In November 2017, the LA circulated a consultation document to all providers in Oldham that provide education for pupils aged 0-25. Alongside this consultation document a provider request form was circulated, asking providers to complete if they wanted to request a share of the funding. Providers were asked to complete

details of any proposed project, give financial information, evidence of level of need/demand and how the project will improve outcomes for children, young people and families.

- A drop in session was also held at the parent/carer forum (POINT) to ensure parental feedback was sought and to identify where there may be gaps in provision.
- On 26 February 2018 a moderation panel was held at the Civic Centre to determine how to allocate the SPCF. The panel was made up of the following; Director of Education and Early Years, Elected Member for Education and Early Years, Head of SEND, Head of Post 16, Head of Education Support Services, Education Provision Manager, Capital Works Manager, POINT parent/carer forum Manager, 2 x secondary headteacher representatives and 1 x primary headteacher representative.
- Ten providers from across Oldham requested a share of the SPCF and completed the provider request form, outlining their project plan. Percentage weightings were given to each criteria and a total score given to each provider. Careful consideration was given to each request taking in to account whether the funding criteria was met, financial viability, strategic recommendations from the Opportunity's Area and Commission, recommendations from the parent/carer forum and where there is evidence of demand/need and gaps in provision.
- The moderation panel agreed four of the provider requests and allocated an amount of SPCF.

Evidence of need/rationale:

- There is currently no specialist provision for children aged 2 years with SEND in Oldham. This has contributed to the low level of families with 2 year olds with SEND accessing childcare. Oldham has 26 identified children aged 2 with SEND of which only 2% are accessing funded early education.
- Bridgewater NHS Trust data also evidences an increasing need for 2 year old SEND provision. For the academic year 2018-2019 Oldham has 29 identified 2 year olds with SEND.
- In addition to the above, analysis shows that 84% of 2 year olds with SEND from the previous academic year went on to get an EHCP or are undergoing statutory assessment.
- In January census 2014, only 4 x 2 year olds were identified as SEN support status.
- In January census 2018, there were 9 x 2 year olds identified as SEN support and one with an EHCP.
- This number has further increased and to date there are 15 x 2 year olds identified as SEN support, two of which are undergoing statutory assessment and 4 x 2 year olds with an EHCP. The four children with an EHCP have all requested Kingfisher nursery provision.
- All of the above would also further support one of the recommendations from the Opportunity's area review regarding school readiness and ensure the transition to Kingfisher statutory provision is much more seamless, timely and planned.

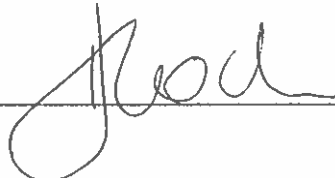
2 year old SEND in Oldham

	SEN Support	Undergoing assessment	Education, Health and Care Plan
Census 2014	4	Not recorded on census	0
Census 2015	3	Not recorded on census	0
Census 2016	10	Not recorded on census	0
Census 2017	10	Not recorded on census	0
Census 2018	9	Not recorded on census	1
April 2018	13	2	4

Conclusions:

- The recommendation from the moderation panel is to extend the educational offer at Kingfisher to include specialist 2 year old preschool provision for children with severe and complex learning difficulties. The provision would offer 16 places at any one time, with the flexibility to offer a greater number as these would be part time places. Full details are attached at appendix A.
- It is requested that the funding of £330 000 is taken from the Basic Needs Funding and replaced over the 3 years of allocations of the SPCF (£166 000 per year).
- Three other projects have also been agreed and are detailed on a separate report.

Signed : (Executive Director/Director)

 Date: 6/2/19



RECORD OF INDIVIDUAL EXECUTIVE DECISION MADE BY A CABINET MEMBER

Decision Maker	Decision Type	Date
Clr Paul Jacques	Key Decision	26 9 18

SEND Special Provision Capital Funding Allocation – Kingfisher Allocation

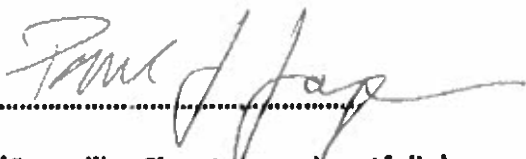
Decision (s)

Exempt/Confidential Report		No
Key Decision	Yes	

Reasons for the decision(s) Expansion of facilities at Kingfisher School


Options/Alternatives considered n/a

Conflict of Interest declared None



(Councillor Signature and portfolio)

In consultation with



(Executive Director Signature)

Decision made pursuant to:

- a) Delegation to Cabinet Member under the Council's scheme of delegation. Contract £100,000 - £400,000 and Key decisions.**

