



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 23 February 2023

Report of the Executive Director - Children's Services

**Children's Services SEND Capital Budget (High Needs Provision Capital)
Allocations**

1. Divisions Affected

1.1 Alfreton and Somercotes & Clay Cross South

2. Key Decision

2.1 This is key decision because it will result in the Council incurring expenditure totalling £1,480,000 and affects communities living or working in an area comprising two or more divisions/county electoral areas.

3. Purpose

3.1 To seek approval for allocations from the Children's Services SEND Capital allocation for projects at Swanwick School and Sports College and Pilsley Primary School (Chesterfield).

4. Information and Analysis

4.1 In 2017, the Department for Education (DfE) allocated a £215m fund from 2018 – 2021 to support local authorities to invest in provision for children and young people with special educational needs and disabilities (SEND) between birth and 25 years, to improve the quality

and range of provision available to families within the local authority. Further investments of £50m in May 2018 and £100m in December 2018 were made, totaling £365m.

The receipt of £1,750,202 for Derbyshire's share of the funding was included in the Executive Director's report of 25 February 2020 and also advised of a future allocation of £427,606 which would bring the total allocation to £2,177,809. The report approved the allocation of funding for three small projects totalling £43,278 leaving a remaining balance was £2,134,531.

On 29 June 2021 the Executive Director for Children's Services approved under delegated powers an allocation of £250,000 from the 2018-21 SEND capital budget for adaptations to the existing buildings to provide 2 additional places at Holbrook School for Autism.

Further allocations received from the Department for Education are detailed below.

2021-22 allocation announced March 2021 - £2,489,980

2022-23 allocation announced March 2022 - £6,233,592

2023-24 allocation announced March 2022 - £6,848,826

The current unallocated balance of the SEND capital budget is £17,456,929.

- 4.2 Swanwick School and Sports College – modular classroom. Following the SEND sufficiency survey, it was established that there was a need for an additional 8 places at the College. The project is to provide a single classroom to increase the capacity in the school and it has been designed to allow for further expansion. It will be necessary to negotiate a small amendment to the academy lease to the adjoining Swanwick Hall School as there is a small encroachment onto their site. The scheme has been costed at £625,000.
- 4.3 Pilsley Primary School (Chesterfield) – modular classroom, internal remodelling and sensory pod. Some years ago, one of the mainstream classrooms was converted to an Enhanced Resource (ER) space however this has now created pressure on the mainstream capacity in the school. The proposed classroom will be a purpose built, dedicated space for the ER and the sensory pod will enhance the provision for both the ER and other pupils in the school. The internal remodelling will be required to put the current classroom back into use for mainstream pupils. The scheme has been costed at £855,000.

- 4.4 If the allocations set out above are approved the unallocated balance of the Children's Services SEND Capital budget will be as detailed in the Appendix 1 – Financial Implications.

5. Consultation

- 5.1 Not applicable.

6. Alternative Options Considered

- 6.1 The SEND Capital budget is an allocation of capital from the DfE. This capital grant is to deliver new places and improve existing provision for children and young people with SEND, particularly those with more complex needs, and for those pupils that require alternative provision, which is collectively referred to as 'high needs' provision.

The grant must be spent in accordance with the terms of the grant to support the Council in its duty to ensure there are sufficient places and improve existing provision in the County children and young people with SEND and cannot be used for any alternative purposes. The proposed schemes have been identified as areas of need from a review of SEND provision within the County.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 These are held in the Children's Services Development Section.

9. Appendices

- 9.1 Appendix 1 – Implications

10. Recommendation(s)

That Cabinet:

- a) Notes the allocation and receipt of further funding from the DfE as detailed in 4.1.
- b) Approves the allocation of £625,000 from the SEND capital budget 2018-21 for the project at Swanwick School and Sports College.
- c) Approves the allocation of £855,000 from the SEND capital budget 2018-21 for a project at Pilsley Primary School (Chesterfield).

11. Reasons for Recommendation(s)

- 11.1 To ensure the Council meets its duty to ensure there are sufficient places and improve existing provision in the County for children and young people with SEND, particularly those with more complex needs, and for those pupils that require alternative provision.

12. Is it necessary to waive the call in period?

- 12.1 No

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Implications**Financial**

- 1.1 The financial considerations are as explained in section 2 of the report.
- 1.2 The unallocated balance of the Children's Services SEND Capital budget is as set out in the table below:-

Year	Opening Balance £	Allocations in this Report	Balance £
2018-21	1,884,531	1,480,000	404,531
2021-22	2,489,980		2,489,980
2022-23	6,233,592		6,233,592
2023-24	6,848,826		6,848,826
Total	17,456,929	1,480,000	15,976,929

- 1.3 All goods, works and services required to undertake the identified projects in the report will be procured and awarded in accordance with the Council's Financial Regulations.
- In-line with the Council's Financial Regulations this report also seeks approval from Cabinet to obtain permission to commence the procurement process. The projects will be considered as included within the Council's Forward Procurement Plan and any subsequent contract award will be in accordance with the Council's Departmental Scheme of Delegation. It should be noted that these procurement exercises will normally take the form of a competitive tender process, but should it be decided that using a Framework is the best option, a separate report will be submitted seeking approval for this.

Legal

- 2.1 The Education Act 1996 sets out the statutory duty on local authorities to secure sufficient school places, which they must do with regard to securing special educational provision for pupils with SEND. The Children and Families Act 2014 also places important responsibilities on local authorities (LAs) for supporting children and young people with SEND, including keeping the sufficiency of educational provision for them under review.
- 2.2 The funding allocations are made in accordance with the local authority's financial regulations.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 The proposed schemes will provide specialist provision for pupils with SEND and ensure their access to education appropriate to their needs.

Corporate objectives and priorities for change

6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Not applicable