



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 5th December 2024

Report of the Executive Director - Children's Services

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

1. Divisions Affected

1.1 Erewash and Amber Valley.

2. Key Decision

2.1 This is key decision because it will result in the Council incurring expenditure totalling **£3,195,777** 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 Bennerley Fields School, Stanton Vale School and the Whitemoor Centre, part of the Holbrook School for Autism (Esteem Multi Academy Trust).

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, totalling £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, less expenditure of £43,278 in the same report.

On 25th March 2021, the DFE Allocation of £2,489,980 was received into the budget leaving a remaining balance of £4,624,511.

The further allocations received from the Department for Education are detailed below.

2022-23 allocation announced March 2022 - £ 6,233,592
2023-24 allocation announced March 2022 - £ 6,848,826
2023-24 allocation announced March 2023 - £10,339,720

In May and July 2024, the Council announced plans to spend £11m of this funding to support the creation of 300 new special school places across the County. On 10th July, Cabinet approved the first initial allocation from this £11million spend of £4,838,000 across six special schools within the County.

This report seeks to allocate a further £3,195,777 across three special school projects to increase places. Further allocations as part of the £11million plan announced in July will be made in the coming months. This is in addition to earlier allocations between February 2020 and April 2024 totalling £1,815,711.

The current unallocated balance of the SEND capital budget is **£21,436,216** and if the allocations in this report are approved it will stand at **£18,240,439**.

- 4.2 Previous delegated approvals are outlined within Appendix 1 – Previous Delegated Approvals Table.
- 4.3 **Bennerley Fields School** - Identified through the SEND sufficiency survey, approval is requested to allocate **£2,600,000** to this project to create 3 additional classrooms to accommodate 24 pupils with possible expansion to 30 pupils from September 2025.

Stanton Vale School – Initially, £320,000 was approved by Cabinet on 10th July for a project identified through the SEND sufficiency survey to enable a project to create 22 additional places by September 2024 increasing to 35 places by September 2025. The project allows for a newly refurbished wing in which to accommodate pupils with SEND. The tender price for the project has increased and an additional **£230,000** is required to progress this project.

Holbrook School for Autism (The Whitemoor Centre) – Originally, £250,000 was approved by the Executive Director on 29 June 2021 to enable Phase 1 of this project, designed to provide 2 additional places at Holbrook School for Autism which created provision for pupils with both ASD and severe learning difficulties. The scheme included adaptations to the existing buildings, the provision of suitable outdoor facilities and specialist equipment. Further need was identified through the SEND sufficiency survey. Phase 2 of this project will allow The Esteem Multi Academy Trust to self-manage the refurbishment and remodelling of the adjacent Whitemoor Centre to accommodate additional pupils with SEND. Interim additional funding of **£365,777** is required to reimburse the Multi Academy Trust for costs of Phase 2 of this project to date, with an expectation a further request for approval of funding will follow in a proceeding Cabinet Report once final tender for the overall project is available.

- 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 Appendix 1 – Financial Implications, and have a remaining balance of **£18,240,439**.

5. Consultation

- 5.1 Schools were consulted as part of the SEND Sufficiency Survey.

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 and contain information regarding school's net capacity, SEND data, tender documentation, and school condition information.

9. Appendices

- 9.1 Appendix 1 - Implications and details of previous Delegated Approvals
Appendix 2 – Details of requested allocations from the SEND Capital budget within this report.

10. Recommendation(s)

That Cabinet:

- a) Notes receipt of funding from the DfE as detailed in 4.1.
- b) Notes all previously approved allocations within Appendix 1.
- c) Approves the allocation of **£2,600,000** for a project at Bennerley Fields, detailed in appendix 2.
- d) Approves the further allocation of **£230,000** to Stanton Vale School, detailed in appendix 2.
- e) Approves the further allocation of **£365,777** (Phase 2) to Holbrook School for Autism, The Whitemoor Centre part of the Esteem Multi Academy Trust, detailed in appendix 2.

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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Appendix 1

Implications

Financial

1.1 The financial considerations are as explained in section 2 of the report. Previous delegated approvals are detailed in the table below.

Previous Delegated Approvals of the SEND Capital budget

School	Scheme	SEN Funding Year	Approved	Amount £
Elmsley Infant	Sensory Room	2018-21	Exec Director 25.02.2020	18,888
Springfield Junior	Sensory Room	2018-21	Exec Director 25.02.2020	15,500
Blackwell Primary	Sensory Equipment	2018-21	Exec Director 25.02.2020	8,890
Holbrook School for Autism	Phase 1 - Adaptations to existing buildings	2018-21	Exec Director 29.06.2021	250,000
Swanwick School & Sports College	1 classroom modular building	2018-21	Cabinet 23.02.2023	625,000
Pilsley Primary	3 Phased project – re-modelling, modular & pod	2018-21	Cabinet 23.02.2023	855,000
Pilsley Primary	Further Allocations for above project	2018-21	Head of Service 30.04.2024	42,433

Swanwick School & Sports College	4 classroom modular – increased from 1 classroom (as above) additional funding	2018-21 & 2021-22	Cabinet 10 July 24	1,600,000
Stubbin Wood Nursery	Additional accommodation	2021-22	Cabinet 10 July 24	270,000
Brackenfield	Additional classroom space	2021-22	Cabinet 10 July 24	200,000
Ashgate Croft	4 classroom modular building	2021-22 & 2022-23	Cabinet 10 July 24	848,000
Alfreton Park	3 classroom modular and vocational learning area	2022-23	Cabinet 10 July 24	1,600,000
Stanton Vale	Refurbishment	2023-23	Cabinet 10 July 24	320,000
Total SEND Capital Budget Allocated				6,653,711

1.2 The present unallocated balance of the Children’s Services SEND Capital budget is as set out in the table below (Opening Balance). The table also confirms allocations in this report and the remaining unallocated balance of the Children’s Services SEND Capital Budget.

Year	Opening Balance £	Allocations in this Report	Balance £
2018-21	0.00		0.00
2021-22	0.00		0.00
2022-23	4,247,670	3,195,777	1,051,893
2023-24	6,848,826		6,848,826
2024-25	10,339,720		10,339,720
Total	21,436,216		18,240,439

The total of allocated funds to date (including allocations requested in this report) from the Children’s Services SEND capital budget will be **£9,849,488**.

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 regarding 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 2024.

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 in accordance with the SEND Code of Practice.

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