Wiltshire Council

Cabinet

7 November 2017

Subject: Update: Special School Provision in Wiltshire

Cabinet Member: CIIr Laura Mayes - Cabinet Member for Children, Education and

Skills

Key Decision: No

Executive Summary

Local authorities (LA) have statutory responsibilities for commissioning and securing the right educational provision to meet the needs of children and young people with special education needs and/ or disability (SEND).

Wiltshire Council officers and the Lead Member for Children's Services have been working with Special Schools since November 2015 to address how, working together, we could secure the best possible special school provision in and for Wiltshire's children.

The LA has undertaken detailed analysis of growth in demand resulting from the impact of the Children and Families Act (2014) reforms, military rebasing and new housing developments. From this analysis, it is predicted that an additional 220 special school places (5-16 years) will be required by 2026, these are in addition to the 588 places currently funded by the Education Funding Services Agency (EFSA).

The LA has been undertaking a pre-proposal consultation with key stakeholders to assist in the development of any proposals.

As part of those discussions alternative proposals in respect of aspects of the service were provided by the special schools (in October 2017). Detailed analysis and consideration of these aspects need to be concluded before any proposals can be finalised.

It is anticipated that the work necessary to finalise a proposal in respect of the wider service will be completed by the 16th February 2018, to inform any future Cabinet papers, or other decision-making processes.

The LA has set out a programme of work designed to secure a clear and strategic direction of travel to address demand.

A further report will be brought to Cabinet on the 27th March 2018 on the outcomes of this programme of work, and making any necessary recommendations. Subject to Cabinet's decisions at the March meeting there will then follow any statutory consultations, which will be informed by guidance issued by the Department for Education regarding maintained and academy schools.

Proposals

Cabinet are asked to:

- i) Note the work to be undertaken to develop a clear and strategic direction for the provision of specialist SEN provision.
- ii) Agree to receive a full report on the outcomes of this work, and any resulting recommendations, at the meeting of cabinet on 27 March 2018. Depending on the outcome of this work, this report will detail any further consultations that are necessary and outline how the local authority will discharge its duties in this regard.

Reasons for Proposals

To update Cabinet on the work being undertaken to review special school provision in Wiltshire, in advance of a more detailed Cabinet paper in March 2018.

Terence Herbert, Corporate Director

Wiltshire Council

Cabinet

7 November 2017

Subject: Update: Special School Provision in Wiltshire

Cabinet Member: Cllr Laura Mayes - Cabinet Member for Children, Education and

Skills

Key Decision: No

Purpose of Report

1. To update Cabinet on the work being undertaken to review Wiltshire's Special School provision.

Relevance to the Council's Business Plan

2. This work on Wiltshire's Special School provision is relevant to the following Business Plan 2017-2027 priorities;

Priority: Growing the economy

• High quality special educational provision in all schools; ensuring that all pupils achieve the best possible outcomes and go on to enjoy the best start to adult life.

Priority: Strong communities

 Focus on delivering the education provision, in-county, that children and young people with special education needs and/ or disability (SEND) require – the right education provision, at the right time, in the right place.

Priority: Protecting those who are most vulnerable

- Ensuring that children and young people with SEND can have the best education and support, provided in good quality estate.
- Ensuring that special education provision in Wiltshire is equitably provided, reducing the number of pupils who must travel excessive distances to school.
- Special education provision that is better aligned with other related services (community health services, social care, and mental health for eg) to improve access to, and provision of, required support.

Priority: Innovate and effective council

- Doing things differently to ensure that the council can meet its statutory duties to provide the right education provision in the face of a rising population and growing demand.
- Improving the focus on outcomes for pupils with SEND.

Background

Glossary

3. To avoid over-complicating the report, each acronym is set out in full once, on the first occasion it is used. However, for ease a full glossary of acronyms is provided at Annex I. A short explanation of some of the terms used in this report (maintained school, pupil allocation number, place funding, for example) that may not be commonly used or understood, is also provided at Annex I.

Statutory Responsibilities

- 4. Local authorities (LA) have statutory responsibility for commissioning and securing the right educational provision to meet the needs of children and young people with special education needs and/ or disability (SEND).
- 5. The LA is responsible for identifying, assessing and meeting the needs of children and young people with SEND.

Special School Provision in Wiltshire

- 6. There are six special schools in Wiltshire; Rowdeford, St Nicholas, Larkrise, Downland, Springfields, and Exeter House¹.
- 7. As at July 2017, 777 children (aged 5 16 years) in Wiltshire attend a special school, 538 in Wiltshire schools and 239 in either another out-of-area local authority special school (143), or an independent special school (96). These children all have an Education Health and Care Plan (EHCP).
- 8. As at July 2017, a further 1499 children (aged 5 -16) in Wiltshire had an EHCP, but have their needs met in the mainstream of education provision. Wiltshire Council has a strong commitment to inclusion, educating children in the mainstream education sector wherever and whenever possible.

Financing SEND Provision

9. SEND provision in schools is funded through the Dedicated Schools Grant (DSG). The DSG is allocated in 4 funding blocks; Schools, Central Schools Services, Early Years and High Needs (HNB). The allocation of the HNB is currently based on a historic position rather than on changes in pupil numbers or need. A new national formula for high needs will be implemented in 2018-19 and Wiltshire will be on the funding floor under the new arrangements so will not see increases in funding in the short to medium term.

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¹ See Annex II for further detail.

- 10. The LA retains responsibility for managing and making most effective use of the HNB of the DSG in consultation with Schools Forum, and for the strategic commissioning of high needs places.
- 11. High needs budgets have consistently overspent year on year since 2014-15. In previous years, overspends in the HNB have been covered by reserves in the DSG. The DSG reserve has reduced over time as the high needs overspend has increased. The level of DSG reserve is currently £0.583m and the first call on this will be any DSG overspend in the current financial year.

Capital Funding for SEN Provision

- 12. There is no specific capital allocation to the local authority to support SEND places. The local authority (LA) receives a limited capital grant from the DfE for urgent maintenance liabilities in community and controlled schools only, and this is reducing annually as more schools convert to academy status.
- 13. Central government has recently made a capital grant available to LAs for SEND provision; however this is a small grant for Wiltshire (£800k payable over three years) starting in April 2018.

Special Education Needs Strategy: Supporting Schools 2015-18

14. This Special Education Needs Strategy sets out the vision and priorities for SEN provision in Wiltshire's schools;

Vision: The right education provision, in the right places, for the right pupils, at the right time, and that the right support is offered to enable schools to achieve the best possible outcomes for pupils with SEN/D.

Priorities: 1: Right places

- 2: Improve outcomes and practice
- 3: Focus on inclusion
- 4: Early identification, positive engagement and improved transitions
- 5: Supporting schools and staff
- 6: Managing financial pressures
- 15. The strategy, endorsed after an extensive consultation with a wide range of stakeholders, identified several short-term proposals to address immediate financial pressures and improve existing provision. It further identified that all schools and the LA needed to work together in partnership to address the medium to long-term changes required. Specifically, the strategy noted that the LA would work with all Special Schools in Wiltshire to explore opportunities for collaborative working to facilitate a more efficient use of scarce resources.

Update for the Council

Work with Special Schools

- 16. In line with the SEN Strategy: Supporting Schools 2015-18, Wiltshire Council has been working with the Special Schools to secure the best possible provision in and for Wiltshire since November 2015. This work was carried out under the umbrella title 'Seizing the Agenda'; more latterly as WASSPP (Wiltshire Special Schools Partnership). This work has also involved other key stakeholders, including the WPCC, Chair of Schools Forum, and RSC.
- 17. In January 2017, using a one-off strategic planning funding made available by the Department for Education (DfE), the LA proposed that an interim consultant be engaged to look at the central question of demand for provision, and what the issues are for the provision of high level SEND places in Wiltshire. The appointment was made jointly by the LA and the Special Schools. The work commissioned concluded in May 2017, and a written report was produced (called the Wood/ WASSPP report, May 2017) and shared with all special schools through the WASSPP group.

Concerns regarding Special School provision

- 18. There are a number of concerns related to current and future special school provision², including;
 - a. <u>capacity to meet current and future demand</u>. The LA has undertaken a detailed analysis of growth in demand resulting from the impact of the reforms in the Children and Families Act (2014), military rebasing and new housing developments (up to 2026). It is predicted that at least an additional 220 special school places (for pupils aged between 5-16 years) will be required by 2026 (on top of the current 588 places). Of these, 123 are for the North of the county, and 97 for the South³⁴;

Designation	North	South
Autistic Spectrum Disorder (ASD)	50	40
Social Emotional Mental Health (SEMH)	21	17
Complex	49	37
Sensory	3	3

b. There is a geographic inequity of provision. The only Special School provision for SEMH and ASD is in the North of the county – Calne for ASD (Springfields), Devizes for SEMH (Downland). There are currently (July 2017) 71 pupils travelling from the South to these two schools. 53 of these pupils travel for more than one hour each way, every school day (September 2017).

³ See Annex V for further detail of Projected demand, by geography and need, over time

² See Annex III for more detail.

⁴ For an explanation of which areas fall into the North and South please see Annex VI

- c. There are concerns about the condition of Wiltshire's Special School estate. This is seen most acutely in the two LA maintained Severe Learning Disability(SLD)/Profound and Multiple Learning Disability (PMLD) schools in the North. Both Larkrise and St Nicholas are in a poor condition and struggle to meet the needs of their pupils most appropriately.
- d. The financial position of Wiltshire's Special Schools are vulnerable. Analysis of budget templates from the four-LA maintained schools indicates that three of the four are forecasting to be in deficit by 2018-19.
- e. <u>There are significant pressures on the High Needs Block</u>. Initial modelling of demand against the HNB indicates that spend will increase by ~£3.7M by 2020 if nothing changes. There are more children accessing SEN provisions, but the high needs funding, has not thus far, increased accordingly.
- f. Outcomes for pupils with SEND in Wiltshire need to improve. DfE statistical analysis identifies that KS2 and KS4 academic outcomes for Wiltshire are in the bottom third of local authorities in the country. Mainstream schools need sector led support to improve outcomes for pupils with SEND.

Moving Forward

- 19. In response to the Wood/ WASSPP report, and its own concerns, the LA developed draft proposals which it discussed with special schools at individual meetings held in June 2017. Special schools were invited to comment and provide any alternative suggestions by the end of July 2017.
- 20. The two academy schools indicated their willingness to work with the LA to deliver the proposed changes as they affected their schools. The LA considered the responses from the three maintained schools⁵ (supported verbally by the fourth⁶) and, while some important points were made, they did not sufficiently or adequately address the question of how the LA could ensure delivery of expanded and replacement provision to meet identified demand.
- 21. The LA noted that any further delay would have significant consequences for the placement of pupils in 2018-19, and that its role was to exercise the strategic leadership necessary to secure the best provision that it can for current and future children with SEND. Consequently, the LA met with the WASSPP group in September 2017 to outline its intention to take a paper to November Cabinet requesting permission to go to consultation on its proposals.
- 22. At this meeting, the LA outlined an invitation to Special Schools, individually or collectively, to submit any proposals which would address the specific issues of meeting identified demand and securing better geographical distribution of provision,

⁵ Rowdeford. Downland and Larkrise.

⁶ St Nicholas.

- in a financially efficient manner. The LA offered to include any appropriate proposals in its paper to Cabinet, requesting permission to go to consultation.
- 23. In October 2017 a full and detailed proposal was submitted jointly by five⁷ of the Special Schools and proposed MAT partners 'Meeting the Challenges for Reshaping Specialist Education Provision across Wiltshire's Specialist Schools and Academies' (October 2017)⁸. A further proposal 'Response to proposals from Wiltshire Council; Developing to meet demand' was received from the 6th school (Springfields Academy).
- 24. The LA is extremely grateful to the Special Schools, and their proposed, or actual, MAT partners, for the considerable thought and effort that went into these proposals.
- 25. The LA has considered the proposals received from the Special Schools and, whilst elements of these proposals have merit it cannot, as they stand, accept fully the proposals from Special Schools to meet demand in their entirety. The LA is therefore proposing to defer its proposals whilst a detailed programme of work is undertaken, including further detailed analysis of the Special Schools estate and involving all relevant stakeholders, which can best inform any future LA proposals, and enable it to exercise its statutory duty. It is anticipated that will be completed by mid-February, and reported to Cabinet in March 2018.
- 26. This 'Future Intentions' programme of work, was discussed with Special Schools at a meeting held with the Corporate Director on the 18th October 2017.

Future Intentions – Programme of Work

- 27. In setting out its Future Intentions Programme of Work (Annex IV), the LA is aiming to achieve the following objectives;
 - a) To maximise current SLD/ Complex provision to meet as much of the current and short to medium-term demand locally, as is possible.
 - b) To establish a strategic property solution for SLD/Complex provision in the North; enabling an increase of PAN to 350 (~an additional 50 places) to meet identified future longer-term demand.
 - c) To create new KS3 & KS4 ASD/SEMH provision in the South, providing an additional 130 places over time, to meet identified future demand and reduce geographic inequity of provision; potentially rationalising ASD and SEMH provision in the North to achieve this.

⁷ Downland, Exeter House, Larkrise, Rowdeford and St Nicholas Schools.

d) To facilitate new and/ or expanded primary phase ASD/SEMH provision in the North and South, providing an additional ~50 places over time, to address shortfalls in current provision and to better meet the needs of children.

Current service

- 28. In the short term there is a need to expand provision at Exeter House and a change of designation at Rowdeford School to ensure that as far as possible existing needs are being met.
- 29. Therefore the LA will be undertaking a statutory consultation on a proposal to expand provision for Complex needs provision at Exeter House Academy, and a statutory consultation on a change of designation at Rowdeford School. These consultations will follow the appropriate DfE guidance⁹ and in accordance with standard practice will be signed off under delegated powers of the Lead Member.
- 30. These changes are necessary to maintain an effective service and will not adversely affect the anticipated future programme.

Task Group

- 31. On the 5th September 2017, the Children's Select Committee resolved to establish a task group to consider the future provision of education for SEND children and young people in the context of the challenges outlined in the Wood/ WASSPP Report (May 2017), specifically working with officers, schools and parents to consider any proposals to be presented to Cabinet.
- 32. This task group met for the first time on 9th October 2017 to agree its terms of reference and scope future work. The task group will gather evidence from various sources to produce a report with recommendations prior to the conclusion of this work.

Financial Implications

33. SEND provision in schools is funded through the Dedicated Schools Grant (DSG). The DSG is allocated in 4 funding blocks; Schools, Central Schools Services, Early Years and High Needs and SEND provision is funded through the high needs block. The council has a clear policy that it does not top up the DSG allocation from the revenue budget and therefore any pressures on DSG funded services need to be managed within the overall grant. To date this has been managed through a DSG earmarked reserve which has enabled previous year's underspends to offset the current pressures within the high needs block. Flexibility to manage the grant in this way will reduce with the implementation of that national funding formula for mainstream schools in 2018-19 as there will be reduced flexibility for councils to move money between DSG blocks. This will increase the pressure on the high needs block and therefore the need for more cost effective SEND provision within the county.

⁹ https://www.gov.uk/government/publications/school-organisation-maintained-schools https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy

- 34. This paper is an update report and we are at the pre-proposal consultation with key stakeholders to ensure that any proposal put forward is viable. This will include detailed consideration of the financial implications of any proposal including the impact on the DSG and any capital implications for the local authority. Officers will work with SA&FM to identify the most effective property solution and provide a business case capturing any capital requirements for any future proposals. At this stage is it not known whether there will be capital implications for the local authority or if capital could be accessed via the academy capital process via a strategic partner.
- 35. In relation to the current proposals to expand provision at Exeter House Academy and change the designation of Rowdeford School there will be the associated costs of increased place funding at the schools and increased top up funding for individual pupils. These pressures would need to be managed within the high needs allocation of the DSG. The new national funding formula for high needs, to be implemented from April 2018, should ensure that additional places are funded on a lagged basis, i.e. increases in place numbers will be funded the following year if demand is demonstrated. Any increased numbers of pupils in Wiltshire special schools will be funded at a basic level of £4,000 per pupil in line with the basic entitlement element of the formula which will be driven by the October school census each year. Additional top up funding over and above that basic level will need to be met from within the high needs block however these costs will be lower than if pupils are placed in the independent sector.

Legal Implications

- 36. At this stage, we are at the pre-proposal consultation with key stakeholders to ensure that any proposal put forward is viable and is fully informed as to key stake holder needs.
- 37. Once this pre-proposal consultation is concluded then regard must be had to adhering to the SEND Code of Practice (2015) expectation to consult and engage with parent/carers on any development and change of practice and to ensure that any statutory requirements and DfE guidance regarding changes to maintained and academy schools are completed including general and statutory requirements as to consultation.
- 38. Throughout this process regard must also be had to the Council's statutory Public sector equality duties under section 149 of the Equality Act 2010.

Conclusions

Cabinet are asked to:

i) Note the work to be undertaken to develop a clear and strategic direction for the provision of specialist SEN provision.

ii) Agree to receive a full report on the outcomes of this work, and any resulting recommendations, at the meeting of cabinet on 27 March 2018. Depending on the outcome of this work, this report will detail any further consultations that are necessary and outline how the local authority will discharge its duties in this regard.

Terence Herbert, Corporate Director, Children and Education

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Date of report: 7 November 2017

Appendices

Annex I - Glossary

Annex II - Special Schools in Wiltshire

Annex III – Concerns about Special School provision

Annex IV - Programme of Work – Future Options and Strategy

Annex V - Breakdown of projected demand by need and geography, over time

Annex VI – North South split descriptor

Background Papers

None.

The following documents have been relied on in the preparation of this report:

Glossary

Academy school	Independent schools funded directly by the Department of Education. Some academies have chosen to become academies, some have had this decision made for them by the DfE if they became inadequate within an Ofsted judgement. The Regional Schools Commissioner has oversight of their performance and standards. Academies are given greater powers than <i>maintained schools</i> to decide how to operate and govern their school.
ASD	Autistic spectrum disorder(s). Autistic spectrum disorder (sometimes called Asperger's) normally includes an assessment of persistent difficulties with social communication and social interaction and restricted and repetitive patterns of behaviours, activities or interests since early childhood, to the extent that these "limit and impair everyday functioning". Autistic spectrum disorder is a range of symptoms which can vary greatly from person to person. Attention Deficit Hyperactivity Disorder (ADHD) is also often seen as being part of the spectrum with behaviors around hyperactivity, inattentiveness and impulsiveness.
CIL	Community infrastructure levy
Complex (need)	Should be taken to mean children who cannot access a subject based curriculum, this includes children with SLD, PMLD, and more severe MLD.
DfE	Department for Education
DSG	Dedicated schools grant
Education Health and Care Plan (EHCP)	An EHCP details the education, health and care support that is provided to a child or young person with SEN or a disability. It is a legal plan and replaces statements as required by the Children and Families Act 2014.
EFSA	Education Funding Skills Agency
Free School	All new schools are set up as free schools, they have a similar legal framework as an academy once they are operational. They can be set up by groups of parents, individuals, independent and academy schools. The Local authority can also commission a free school through the "presumption" route.

HNB	High needs block (of funding)
Independent school	A school that is not maintained by a local authority and is registered under section 464 of the Education Act 1996. Section 347 of the Act sets out the conditions under which an independent school may be approved by the Secretary of State as being suitable for the admission of children with EHC plans.
KS	Key stage (of education)
Maintained school	A school that is funded and controlled by a local education authority. There are four types of maintained schools Community school, voluntary controlled school, voluntary aided schools and foundation schools. They are all maintained schools, but there are slightly different legal arrangements as to how they should be governed and how decisions should be made.
MLD	Moderate learning disabilities. The general level of academic attainment of these learners will be significantly lower than that of their peers, they will have difficulty acquiring literacy and numeracy skills. Other difficulties may include associated speech and language delay, low self-esteem, low levels of concentration and underdeveloped social skills
MSI	Multiple sensory disorder refers to a range of sensory difficulties; this may include hearing impairments (HI), Visual impairments (VI) or other hyper sensitivities in the sensory spectrum. Some children/young people may have sensory sensitivities which are more commonly seen as part of ASD.
Multi Academy Trust (MAT)	A group of academies that come together under a strategic and legally binding collaboration.
PD	Physical disability (PD) includes cerebral palsy, spina bifida, hydrocephalus and muscular dystrophy or any condition which places significant physical limitations on a child/young person. This is separate from any diagnosis of learning disabilities.
Place funding	For Special Schools core/ place funding is allocated at a value of £10,000 per planned place. Planned place numbers are agreed between the LA and the school (maintained schools) and with the ESFA for academies. Core funding for the places is allocated regardless of whether places are filled or vacant. However, if places are unfilled year on year the expectation is that place numbers would be reviewed.

PMLD	Learners with profound and multiple learning difficulties (PMLD) have complex learning needs. In addition to their severe learning difficulties, they may have other significant difficulties, such as physical disabilities, sensory impairment or a severe medical condition.
Pupil allocation number (PAN)	Pupil allocation number refers to the places agreed with the DfE.
Schools Forum	The Schools Forum is a statutory body which the Local Authority (Wiltshire Council) is required to consult on the following functions: Consultation on School Funding Formula Consultation on Contracts Consultation on Financial Issues The majority of forum members are schools members, with some other related members (Early Years, Diocese etc).
SEMH	Social, emotional and mental health difficulties (SEMH) is an overarching term where children/young people have difficulties with emotional regulation and/or social interaction and/or are experiencing mental health problems. These could manifest as difficulties such as problems of mood (anxiety or depression), problems of conduct (oppositional problems and more severe conduct problems including aggression), self-harming, substance abuse, eating disorders, physical symptoms that are medically unexplained or significant mental health conditions such a schizophrenia.
SEN(D)	Special education needs and/or disability.
SLCD	Speech, language and communication difficulties (SLCD) is an umbrella term. Children with SLCN may have difficulty with only one speech, language or communication skill, or with several. Children may have difficulties with listening and understanding or with talking or both, this is often, but not always associated with other areas of SEN such as ASD, M/SLD, PMLD or PD.
SLD	Severe learning disabilities. Learners have very significant intellectual or cognitive impairments. Learners with SLD may also have difficulties in mobility and co-ordination, communication and perception and the acquisition of self-help skills.
Special school	A school which is specifically organised to make special educational provision for pupils with SEN, these can be any type of school that is approved by the Secretary of State under Section 342 of the Education Act 1996.

SpLD	Specific learning difficulty. This affects a person's ability to process and learn information. These difficulties occur independently of intelligence and cause a severe impact on the person's ability to learn in one particular area only. The types include the following: dyslexia – causes difficulties in literacy, for example in spelling and reading; dyscalculia – causes difficulties understanding mathematical concepts; and dyspraxia – affects the fine and/or gross motor skills, which can cause difficulties with balance and coordination
Top up funding	If the cost of providing for a pupil with high needs is greater than the core/place funding of £10,000 then the LA pays a top up for that pupil. This is paid in real time and therefore only paid when a pupil is on roll in a school. In Wiltshire, and in most other LAs, a banding system is operated in which pupil's needs are assessed against specific bands and a funding value is allocated to each band. All pupils in SS in Wiltshire attract top up funding.
WASSPP	Wiltshire special school partnership (working group of LA officers and members, special school representatives, and other key stakeholders, including WPCC.
WPCC	Wiltshire Parent Carer Council

Special Schools in Wiltshire

School	Location	Designation ¹⁰	Pupil allocation number (PAN)	Age Range	Status
Rowdeford	Rowde	MLD [Also SLCN, ASD and Physical Disabilities (PD)] – students not able to access a subject based curriculum	130	11 - 16	LA maintained
St Nicholas	Chippenham	SLD (Also ASD) – students not able to access a subject based curriculum	78	3 - 19	LA maintained
Larkrise	Trowbridge	SLD (also ASD) – students not able to access a subject based curriculum	85	3 - 19	LA maintained
Downland	Devizes	SEMH – students able to access a subject based curriculum	69	11 - 16	LA maintained
Springfields	Calne	ASD – students able to access a subject based curriculum	105	9 -16	Academy
Exeter House	Salisbury	SLD (Also ASD) – students not able to access a subject based curriculum	121	3 -19	Academy

 $^{^{10}}$ These are the recorded designation on EDUBASE $\underline{\text{https://get-information-schools.service.gov.uk/?SelectedTab=Establishments}}$

Concerns about Current Special School Provision

Demand – meeting current and future need:

The Wood/ WASSP report makes a conclusion that 'the current number, location and designation of special school places are not aligned to either current or future needs. Existing provision needs to be reconfigured to meet current demand, and new provision is required to meet future demand'.

Provision is not sufficient to meet current demand -

- a) SLD provision is currently full, but there are thought to be at least 8 children who will require this provision in September 2018. Failure to secure the right places locally will mean that the LA may have to place these children in independent sector provision, at considerable cost to the public purse and, potentially, to the outcomes for children concerned.
- b) This year's (2017 intake) SLD demand in the North is largely being met by the installation of a temporary mobile classroom in the car park of one of the special schools, incurring financial and environmental cost.
- c) There is not the right ASD and SEMH special school provision at an early enough stage in a child's education journey to best meet need and improve outcomes there is very little Key Stage 2 (KS) ASD provision, none at KS1, and a very small primary SEMH KS2 provision (started for this year's intake). Consequently, mainstream primary schools are under pressure to retain children in their settings, and several children have had to be placed in independent sector provision when this has not been possible, at considerable cost to the high needs budget.
- d) Some pupils have both ASD and SEMH needs. The current split between ASD and SEMH provision across two schools (Downland and Springfields) means that it is difficult to transfer pupils as their needs become better understood and/or change. As at Jan 2017, 3 older children were having their needs met in the independent sector at a cost of £260k p/a because of their combined ASD and SEMH needs. Whilst there is a joint admissions policy in place this has not successfully translated into operational practice and the two schools continue to report difficulties getting children transferred.

Provision is not being used effectively to make provision for those with greatest level of need –

a) Some of the pupils at the MLD school (Rowdeford) are funded at the lowest level of banded funding. No other special schools in Wiltshire have pupils funded at this level. In contrast, mainstream schools have 110 pupils (as at July 2017) whose banded funding levels are at higher levels. Of these 110, 19 are higher banded MLD pupils. Provision is not sufficient to meet future demand –

- a. The LA has undertaken a detailed analysis of growth in demand resulting from the impact of the reforms in the Children and Families Act (2014), military rebasing and new housing developments (up to 2026).
- b. It is predicted that at least an additional 220 special school places (for pupils aged between 5-16 years) will be required by 2026 (on top of the current 588 places). Of these, 123 are for the North of the county, and 97 for the South¹¹;

Designation	North	South
ASD	50	40
SEMH	21	17
Complex	49	37
Sensory	3	3

- c. It is predicted that a further 88 post 16 places will be required from our special schools and/ or FE colleges.
- d. See Annex V for a further, detailed breakdown by need, and geography, over time.

Geographic equity of provision

The only special school provision for SEMH and ASD is in the North of the county – Calne for ASD (Springfields), Devizes for SEMH (Downland). There are currently (July 2017) 71 pupils travelling from the South to these two schools. The LA SEN transport budget is under considerable pressure.

There are, as at September 2017, 15 pupils at Downland and 38 pupils at Springfields who travel for an hour or more into school, and then back home, each day. Some pupils with ASD and SEMH do not benefit from long journeys into and from school, and schools have reported that this is disruptive to their behaviour and learning.

The LA is losing tribunals on grounds of distance to travel (7 as at Jan 2017, at a total annual cost of ~£500k, between 250-300% more expensive than cost to educate locally).

Condition of special school estate and capacity to expand

The Wood/ WASSPP report and LA condition surveys highlight concern about the condition of special school estate in Wiltshire.

This is seen most acutely in the two LA maintained SLD/PMLD schools in the North. Both Larkrise and St Nicholas provide education in estate which is in a poor condition. Larkrise has a 25-year-old temporary structure, and it is currently housing more than double the number of pupils it was built for; there is reported concern about the

¹¹ For an explanation of which areas fall into the North and South please see Annex VI

sufficiency of hoisting facilities. At both schools, there is a lack of appropriate toileting and changing facilities. Storage space has been utilised to create additional teaching space and consequently, at Larkrise, equipment (wheelchairs, walking frames etc.) are stored in the entrance. Hall and dining spaces are restricted, and there is restricted access to level playing areas at Larkrise. Neither school is thought to have the physical space to expand appropriately.

Essential critical works have been identified at Rowdeford, a LA maintained school, (estimated £465k, April 2016), where there are several temporary classrooms in use and not all areas of the school are accessible for those with restricted mobility. The school hall and dining area are insufficient for the number of pupils and the main building is Grade II listed, severely restricting modifications.

The LA has very limited capital funding available to improve the condition of the maintained schools. It is questionable if it would be a good use of public money to improve, rather than replace if possible, estate when there are fundamental issues with buildings that cannot be addressed through improvements (corridor width, outside space, size of hall, etc.).

Financial positions of special schools

The current funding mechanism, prescribed by the funding regulations, can impact on the financial stability in special school budgets as 'top up' funding follows pupils in real time, making recruitment and retention of skilled staff more difficult, particularly if schools are also having to manage a deficit position.

Analysis of budget templates from the four-LA maintained schools indicates that three of the four are forecasting to be in deficit by 2018-19. The fourth school (Downland) has projected a continued balanced position and has assumed that all places are filled for each of the next four years; this is not an assured position if provision is to be made available in the South of the county. Currently all schools have surplus balances that they can roll forward to absorb any in-year deficit, but this is unlikely to be a sustainable position.

Should a school go into deficit it is required to agree a recovery plan with the Chief Financial Officer of the Council to come back to balance over 3-5 years.

Each special school retains its own Governing Body, head teacher, deputy head, and business management function and operates its own admissions process. There are potential efficiencies.

Wiltshire's special schools are all relatively small (PAN ranges from 69 to 130).

Pressures on the High Needs Block (HNB)

The LA is responsible, in consultation with Schools Forum, for the HNB of funding. Any deficits need to be met as a first call on future DSG allocations or from within LA funding.

As already stated, the level of DSG reserve is decreasing and there is reduced flexibility to offset pressures arising within the HNB.

Wiltshire's HNB started to overspend in 2014-15, following the last funding reforms in 2013-14, when the full impact of the post-16 responsibilities transferred to the LA with insufficient funding. To date that overspend has been offset by underspends in other DSG funded blocks and by balances rolled forward from earlier years. Use of one-off funding to offset a recurrent overspend is not a sustainable position.

Initial modelling of demand against the HNB indicates that spend will increase by ~£3.7M by 2020 if nothing changes. ~£1M of this will be in independent sector provision.

Capacity to provide sector led support to mainstream schools

Two thirds of pupils with an EHCP do not attend a special school, and are educated in the mainstream. Mainstream schools are reporting an increased complexity of need amongst their SEN pupils.

Mainstream schools have expressed the need to have better access to specialist support at both an individual child and strategic level. The pressures on staffing levels – driven by financial constraints – in our special schools are such that they have not been able to deliver this support to the extent that it is required.

Outcomes for pupils

Outcomes for pupils with SEND in Wiltshire are not as good as they should be. The DfE's statistical analysis 2016 (LAIT¹²) identifies that the SEN schooling system in Wiltshire delivers KS4 and KS2 academic outcomes that places Wiltshire around the bottom third of Local Authorities (KS4 -109/150, KS2 - 98/150). In comparison, children in Wiltshire without SEN outperform the national averages at both KS2 and 4.

In addition, there has been insufficient focus on improving outcomes across the board, including more qualitative outcomes like Preparation for Adulthood measures (travel training, preparation for employment skills etc).

¹² https://www.gov.uk/government/publications/local-authority-interactive-tool-lait Data yet to be released for 2017.

Programme of work – Future Options & Strategy

It is good practice and consistent with collaborative partnership working for LAs to consult key stakeholders in developing any proposals prior to the publication of any formal proposal, as part of their duty under public law to act rationally and take into account all relevant considerations. By undertaking discussions with all stakeholders at an early stage to inform on possible proposals the LA will enable better participation in any subsequent formal consultation by all schools, parent carers, children and young people on these matters.

The LA has been in such a pre proposal consultation with key stakeholders which has been positive and which resulted in receipt of alternative proposals from Special Schools being received in October 2017 which need further analysis and then be considered as part of the finalising of an overall proposal.

It is anticipated that the work outlined below will be completed by the 16th February 2018, to inform any future Cabinet papers, or other decision-making processes. We have already had some discussions with key stakeholders and have identified some aspects of work which need to be considered as part of the wider service provision.

Future Service Provision

Future aspects that need to be considered - Topic 1

The LA analysis is that an additional 48 Complex (SLD/PMLD/MLD) places are required in the North of Wiltshire by 2026/27.

The three LA maintained schools making provision for pupils with Complex Needs (Rowdeford, Larkrise and St Nicholas) in the North have set out in the combined Special School proposal how they can make available places in the short to medium-term (between 13 and 16 places by 2019/20, and between 44 and 47 places by 2022/23). This was put as an alternative proposal by the three Special Schools in respect of the LA consideration of the potential build of a new school, and will need some further work in respect of its viability and relation to the wider service provision.

The LA will need to consider, with all key stakeholders, its proposal to seek a new build(s) and this alternative expansion of places at Rowdeford, Larkrise and St Nicholas Special Schools to meet identified demand. As part of this consideration, the Strategic Assets and Facilities Management team need to undertake a detailed review of the schools' existing estate to ensure that the three schools can meet these requirements. This assets review will also consider the best long-term sustainable and strategic property solution for Complex estate provision at the three LA maintained schools to ensure that the required additional 48 places can be provided by 2026/7.

This will enable the LA to make considered decisions about capital investment in special school estate in the short to medium-term, and to consider any planning implications. Further, this will allow the LA to make an informed decision about any requirement to secure a new build(s), as originally proposed by the local authority, from which to make

available Complex specialist provision, or whether existing estate in the North can be adapted sufficiently and cost effectively to appropriately meet the needs of pupils in the long-term.

Any proposals arising from this work will be subject to any necessary consultations.

Future aspects that need to be considered – Topic 2

Under this aspect the LA would consider, with all key stakeholders, whether a management merger of the three LA maintained SLD schools (Rowdeford, St Nicholas, and Larkrise) would ensure a more efficient allocation of pupils and maximise the use of current places, and enable an efficient use of non-teaching resource. Each school could remain on its own site, with its own head of school, and an Executive Head of the three schools would be appointed.

This could also enable the merged, financially efficient school to make application to join or form a MAT should it wish to do so, whilst giving the LA the assurance that provision is maximised and will not, in the future, be compromised by unnecessary financial - and other - economies of scale restrictions. This work will be undertaken with consideration to the work carried out under Topic 1; the three Special Schools have proposed that they can meet demand and that this will ensure that sufficient places will be available.

Any proposals arising from this work will be subject to any necessary consultations.

<u>Future aspects that need to be considered – Topic 3:</u>

There is currently no ASD or SEMH special school provision in the South of Wiltshire. There are currently 71 pupils currently travelling from the South to attend the two schools in the North (Springfields Academy and Downland School). In addition to the current 71 pupils, the LA analysis is that there will be demand for an additional 61 places in the South by 2026/27. Whilst some pupils described as in the South may be closer to provision in the North, this is difficult to define as parental choice and journey times should also be factored in. However, the LA anticipates demand, for pupils aged 11-16 years in the South, to be 130 ASD/SEMH places (approx. 83 ASD, 47 SEMH) by 2026/27.

The LA considers that there is a need to make this provision available in the South, and under this aspect would seek expressions of interest to run this provision for ASD/ SEMH combined provision for 130 pupils by 2026/27 (preferably); *or* separate special school ASD provision [for ~83 pupils] and SEMH provision [for ~47 pupils]¹³.

The Special Schools have proposed that;

¹³ It will do so by issuing a detailed requirement brief, informed by the views of stakeholders. Estate provision will ideally be secured through, or by, any strategic partner(s), however the LA, through the Strategic Assets and Facilities Management team, will also explore whether there is existing school estate in its portfolio that could be used to support this provision.

- This provision could be provided from within an existing Special School and an application for a new all age provision in the South of the county (Springfields)
- Some of this provision could be provided from two units attached to mainstream schools [one for ASD, one for SEMH] (Combined Special Schools)

This would be new provision that would enable the LA to better meet the needs of pupils, with ASD/SEMH in the South of the county, and provide more geographically equitable provision.

Subject to the outcome of the call for expressions of interest, detailed proposals will be subject to any necessary consultations.

Future aspects that need to be considered – Topic 4

There is limited ASD/ SEMH Primary phase provision in both the North and the South. The LA anticipates demand for 30 special school primary places in the North, and 20 special school primary places in the South.

The LA considers that there is a need to make this provision available in both the North and South, and under this aspect would seek a strategic partner(s) to provide new specialist ASD/SEMH combined provision for primary phase pupils in both the North (30 places) and the South (20 places) of the county¹⁴.

This new provision would enable the LA to better meet the needs of primary phase pupils, with ASD/SEMH in the South and North of the county, and provide more geographically equitable provision.

Special Schools have proposed that;

- This provision could be provided from within an existing Special School and an application for a new all age provision in the South of the county (Springfields)
- Some of this provision could be provided from within an existing Special School in the North, and potentially a unit attached to mainstream school in the South (Combined Special School proposal)

Undertaking this work will enable the LA to consider all options.

Subject to the outcome of the call for expressions of interest, detailed proposals will be subject to any necessary consultations.

Future aspects that need to be considered – Topic 5

The LA is concerned that making provision available in the South of the county could have an impact on the long-term financial viability of both Downland (LA maintained) and

¹⁴ It will do so by issuing a detailed requirement brief, informed by the views of stakeholders. Estate provision will ideally be secured through, or by, the strategic partner(s). All age special school provision is possible in both the North and the South and potential partners may wish to consider this possibility.

Springfields Academy in the North (as fewer pupils will be placed at both schools once provision in the South is secured). The LA will undertake detailed discussions with both schools, and other stakeholders, to understand the impact that creating ASD/ SEMH provision in the South will have on the long-term viability of both schools. Discussions will explore how best to secure provision in the North in the longer-term, to inform any future consultations and/ or decisions about provision. It is the LAs responsibility to consider how wider changes my affect other areas of service provision.

Subject to the outcome of these discussions, any detailed proposals will be subject to any necessary consultations.

<u>Future aspects that need to be considered – Topic 6</u>

The LA will, working with key stakeholders, undertake a detailed review of Post 16 provision in special schools and FE colleges to ensure that there is in place appropriate strategic planning to meet anticipated future demand and that there is a model of provision which ensures that all Post 16 SEND pupils have access to the right educational environment for their needs, and that the best possible outcomes are secured.

Subject to the outcome of these discussions, any detailed proposals will be subject to any necessary consultations.

<u>Future aspects that need to be considered – Topic 7</u>

The LA will, working with key stakeholders, undertake a detailed review of Early Years provision to ensure that there is in place appropriate strategic planning to meet anticipated future demand and that all pre-school children with SEND have access to the right support for their needs, and the best possible start to their formal education.

Subject to the outcome of these discussions, any detailed proposals will be subject to any necessary consultations.

Future aspects that need to be considered – Topic 8

The LA will, working with key stakeholders, undertake a detailed review of residential education provision in Wiltshire's special schools to ensure that there is the right range of provision available to meet the needs of children with SEND. The LA will explore the potential for a development of a small, highly specialised residential education facility for children with very complex needs and/ or behaviours that challenge.

Subject to the outcome of these discussions, any detailed proposals will be subject to any necessary consultations.

<u>Future aspects that need to be considered – Topic 9</u>

The LA was impressed by the potential for a Specialist Schools Collaborative Partnership (WSSCP) set out in the combined Special School response. It believes that a

collaboration such as the one proposed would be an excellent way forward, whatever Special School structure is in place. The LA will work with all Special Schools to look in detail at the potential for such a collaboration; this work would be included in any statement of future strategic intention.

<u>Existing Service Needs – Expansion at Exeter House</u>

The LA analysis is that an additional 37 Complex (SLD/ PMLD/MLD) places are required in the South of Wiltshire by 2026/27.

The LA will consult on proposals to expand, over time, provision at Exeter House Academy to meet identified demand in the South. This is the only special school in the South, and it has set out that it can meet this provision across the required timeline.

Making provision available through this existing provision will be considerably cheaper than securing new Complex provision in the South.

There would be limited capital costs, and where necessary these could be applied for through the Academy capital funding route.

This would enable the LA to meet its statutory duties to make available suitable provision for children with Complex needs in the South.

Existing Service Needs - Change of Designation at Rowdeford

The LA will consult on a change of designation at Rowdeford School from MLD to MLD/SLD.

This would enable the LA to increase the number of local places available for KS3 and KS4 pupils with more complex needs. This would support the LA to meet its statutory duties to make available suitable provision for children with Complex needs in the North.

Annex V

Based on analysis of growth because of reforms, housing developments and military rebasing the following breakdown is projected for future places

By SEN Designation	Placem Wilts Spe school School	Current Placements in Wiltshire Special schoolSpecial Schools (5 – 16yrs)		vrs (201	9)	5yrs (2022)		2)	9yrs (2026)		
	Current places North	Current places South	North	South	All	North	South	AII new	North	South	All new
ASD	111		4	9	13	24	22	46	50	40	90
SEMH	68		2	3	5	10	9	19	21	17	38
Complex	279	82	4	8	12	23	20	43	49	37	86
Sensory			0	1	1	2	1	3	3	3	6
All	458	82	11	20	31	58	52	111	123	97	220

Breakdown of existing Special school places and forecast for 2026

2017 Existing	In county Special school places	Out of county Special school places	ISS places	All special 2026	ASD/CI	SEMIH	Complex	Sensory
Trowbridge	64	16	18	98	29	15	52	2
Bradford on Avon	6	4	4	14	2	3	9	0
Melksham	34	3	3	40	11	6	23	0
Devizes	40	1	9	50	23	12	14	1
Marlborough	15	5	6	26	9	6	10	1
Corsham	23	5	7	35	14	7	13	1
Calne	45	6	4	55	21	11	22	1
Chippenham	72	9	9	90	44	14	30	2
Malmesbury	6	4	4	14	8	5	1	0
Wootton Bassett	10	12	2	24	9	4	11	0
Pewsey	6	2	4	12	1	2	9	0
North	321	67	70	458	171	85	194	8
Salisbury	73	8	43	124	38	24	57	5
Wilton	5	1	2	8	4	0	4	0
Southern Wiltshire	0	0	0	0	0	0	0	0
Westbury	27	4	6	37	15	6	14	2
Warminster	47	5	10	62	23	15	22	2
Mere	1	3	0	4	1	1	2	0
Tisbury	1	0	0	1	1	0	0	0
Amesbury	31	2	4	37	18	6	12	1
Tidworth	22	6	7	35	13	7	14	1
out county	10	0	1	11	3	5	3	0
South	207	29	72	308	113	59	125	11
Total	538	96	143	777	287	149	322	19

2026 New	In county Special school places	Out of county Special school places	iss places	All special 2026	ASD/CI	SEMH	Complex	Sensory
Trowbridge	21.41	4.25	5.75	31.40	10.90	5.57	14.19	0.74
Bradford on Avon	2.29	0.68	0.83	3.80	1.10	0.75	1.89	0.06
Melksham	8.42	1.22	1.66	11.29	3.81	1.98	5.32	0.19
Devizes	9.27	1.08	2.30	12.65	5.09	2.61	4.65	0.29
Mariborough	3.44	0.83	1.10	5.36	1.92	1.11	2.17	0.17
Corsham	5.24	1.02	1.47	7.72	2.95	1.49	3.08	0.20
Calne	7.76	1.19	1.31	10.26	3.85	1.99	4.20	0.22
Chippenham	17.99	2.85	3.81	24.64	10.09	4.35	9.61	0.59
Malmesbury	3.64	0.92	1.19	5.76	2.39	1.30	1.96	0.11
Wootton Bassett	4.15	1.70	1.03	6.88	2.55	1.24	2.97	0.12
Pewsey	1.89	0.42	0.72	3.04	0.80	0.55	1.64	0.05
North	85.47	16.17	21.16	122.80	45.43	22.92	51.70	2.75
Salisbury	23.19	3.67	8.33	35.19	12.24	6.66	15.23	1.06
Wilton	1.03	0.19	0.34	1.56	0.67	0.15	0.72	0.02
Southern Wiltshire	1.36	0.24	0.36	1.96	0.72	0.37	0.82	0.05
Westbury	6.09	1.01	1.50	8.61	3.30	1.52	3.47	0.32
Warminster	8.95	1.28	2.14	12.37	4.57	2.63	4.81	0.35
Mere	0.72	0.39	0.17	1.28	0.43	0.26	0.57	0.02
Tisbury	1.02	0.17	0.24	1.43	0.59	0.25	0.56	0.03
Amesbury	17.86	2.86	4.32	25.04	9.63	4.60	10.18	0.63
Tidworth	6.30	1.32	1.77	9.39	3.47	1.80	3.88	0.25
out county	0.94	0.00	0.09	1.03	0.28	0.47	0.28	0.00
South	66.52	11.13	19.16	96.82	35.61	18.25	40.23	2.73
Fotal	152.93	27.30	40.42	220.65	81.32	41.64	92.21	5.48

The numbers shown here are fractions as they are projections of future forecasts, based on nationally agreed pupil yield formulas extrapolated from current provision set against future housing.

2026 AII	In county Special school places	Out of county Special school places	1	All special 2026	ASD/CI	SEMH	Complex	Sensory
Trowbridge	85	20	24	129	40	21	66	3
Bradford on Avon	8	5	5	18	3	4	11	0
Melksham	42	4	5	51	15	8	28	0
Devizes	49	2	11	63	28	15	19	1
Marlborough	18	6	7	31	11	7	12	1
Corsham	28	6	8	43	17	8	16	1
Calne	53	7	5	65	25	13	26	1
Chippenham	90	12	13	115	54	18	40	3
Malmesbury	10	5	5	20	10	6	3	0
Wootton Bassett	14	14	3	31	12	5	14	0
Pewsey	8	2	5	15	2	3	11	0
North	406	83	91	581	216	108	246	11
Salisbury	96	12	51	159	50	31	72	6
Wilton	6	1	2	10	5	0	5	0
Southern Wiltshire	1	0	0	2	1	0	1	0
Westbury	33	5	8	46	18	8	17	2
Warminster	56	6	12	74	28	18	27	2
Mere	2	3	0	5	1	1	3	0
Tisbury	2	0	0	2	2	0	1	0
Amesbury	49	5	8	62	28	11	22	2
Tidworth	28	7	9	44	16	9	18	1
out county	11	0	1	12	3	5	3	0
South	274	40	91	405	149	77	165	14
Total	691	123	183	998	368	191	414	24

South and North localities

North

- Trowbridge
- Bradford on Avon
- Melksham
- Devizes
- Marlborough
- Corsham
- Calne
- Chippenham
- Malmesbury
- Wootton Bassett
- Pewsey

South

- Salisbury
- Wilton
- Southern Wiltshire
- Westbury
- Warminster
- Mere
- Tisbury
- Amesbury
- Tidworth