

Meeting date: 14 February 2023

Report to: Cabinet Portfolio Holder for Children and Education

Report title: Proposal to expand special school places

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Wards affected:

All Wards

Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 Solihull is experiencing a significant increase in the number of children and young people with an Education, Health and Care Plan (EHCP), and forecasts show this to be ongoing. This increase is having a corresponding impact on demand for specialist provision in the Borough.
- 1.2 Although commissioned specialist places are increasing year on year, demand for places is continuing to outstrip supply. This is putting significant strain on the Council's High Needs Budget.
- 1.3 The SEND School Place Commissioning Strategy provides a baseline to work with key stakeholders and considers a range of factors that are driving demand. The strategy provides data analysis and draws conclusions around priorities for the development of provision, including the expansion of special school places.
- 1.4 Solihull accepted the invitation to take part in the Government's voluntary Delivering Best Value (DBV) programme to identify ways to deliver sustainable SEND services – with the development of new in-borough provision is key to this work. The creation of additional places in Solihull will reduce the number of children having to travel outside of the area. Creation of additional places, along with a focus around mainstream

inclusion, are seen as key mitigation factors for the DBV work.

- 1.5 The acquisition by the Council of a vacant property in the Smiths Wood area, located within walking distance of Forest Oak and Merstone Special Schools, has been identified as an excellent opportunity to provide up to 30 additional special school places as a satellite site to the main school site, subject to minor alteration and refurbishment works being carried out. It is anticipated that a report will be presented to Cabinet in March 2023 detailing the proposed commercial terms for the acquisition of this property and seeking approval to proceed with the purchase and to undertake the proposed minor alteration and refurbishment works.
- 1.6 The Governing Body of Forest Oak and Merstone Schools, considered the potential for a school expansion on 31st January and gave an in principle agreement to proceed with consultation on a proposal to expand the schools. An expansion to the schools of this size and nature requires a statutory process to be followed which includes consultation.

2. Decision(s) Recommended

- 2.1 Approve a period of consultation with schools, parents and the wider community on a proposal to expand Forest Oak and Merstone Special Schools from 1 September 2023.

3. Matters for Consideration

- 3.1 The SEND School Place Commissioning Strategy 2021/24 and its summary document were approved by the Cabinet Portfolio Holder for Children, Education & Skills in September 2021. The strategy sets a baseline for specialist provision across Solihull and considers a range of factors that are driving a need for change over the short to medium term. The strategy provides information regarding the current and future SEND population in Solihull, compares with national and regional data and draws conclusions regarding the need to extend and develop SEND provision in Solihull.
- 3.2 The commissioning strategy is one strand of a wider project, as outlined in the Joint Additional Needs Strategy, that is committed to improving the Council's services to children and young people with SEND. The other strands include mainstream inclusion, with a real focus around supporting mainstream schools and removing the barriers to inclusion and the Education Health Care Plan (EHCP) process with a focus around statutory deadlines and parental preference.
- 3.3 Future demographic forecasts show that, based on current trends, the number of EHCPs for Solihull pupils is forecast to grow by a further 600 in the next 3 years.
- 3.4 For September 2022, Solihull has commissioned 737 places across the 5 existing special schools: an increase of 123 places (19%) over the last 5 years. This level of expansion can no longer be sustained within existing school buildings and sites, which are now a barrier to further expansion.
- 3.5 A vacant property in the Smiths Wood area, located within walking distance of Forest Oak and Merstone Special Schools, has been identified as an excellent opportunity to provide up to 30 additional special school places as a satellite site to the main school site. The property was originally designed for the provision of children's services and

was used until recently by a children's charity. The property is considered to have been maintained in generally good repair and condition by the previous occupiers, however some minor alterations and refurbishment will be required to make the space appropriate for use by the two special schools.

- 3.6 It is anticipated that a report will be presented to Cabinet in March 2023 detailing the proposed commercial terms for the acquisition of this property and seeking approval to proceed with the purchase and to undertake the proposed minor alteration and refurbishment works. The potential opportunity to use this property for the expansion of Forest Oak and Merstone Special Schools is, therefore, subject to further Cabinet approvals, the completion of the acquisition by the Council, and the proposed minor alteration and refurbishment works being carried out.
- 3.7 DfE guidance 2018 requires that the Council carry out a statutory process to expand a special school where the increase in places is 10% or 20 pupils, whichever is the smaller number. A statutory process includes a period of initial consultation followed by the publication of a statutory proposal and a further 4-week period of formal consultation, before a final decision on the expansion can be made. A further report will be brought back to Cabinet Member, later this year, to determine the outcome of the statutory process.
- 3.8 An initial feasibility study for the proposed minor alteration and refurbishment works to the property has been undertaken by the Council's Building Design Studio and developed in partnership with the Headteacher of the special schools. On 31st January, the Governing Body considered the expansion proposal and gave in principle agreement to move to a period of public consultation on the proposal. As part of this process the Head and Governing Body are also reviewing their use of the existing buildings.
- 3.9 How the pupils are organised across the main school sites and the satellite site will be a matter for the Headteacher and the Governing Body of the two schools. However, it is expected that the satellite site will accommodate pupils from Forest Oak School enabling places on the main site to be backfilled by both Forest Oak and Merstone pupils. It is anticipated that although based in the satellite provision the pupils will continue to access the main site for a range of activities including dining and PE.
- 3.10 In view of this, Officers are working with the Headteacher to review the existing offer for dining and PE and consider how this could facilitate an increased offer for more pupils. This work will be ongoing during the next few weeks and will be considered alongside

the outcome of a consultation process.

4. What options have been considered and what is the evidence telling us about them?

4.1 The options available to the Council are: -

- Make no change to the level of places
- Open a new school
- Expand an existing school

4.2 The SEND School Place Commissioning Strategy has identified the need to create additional special school places in order to meet the ongoing demand. However, the Strategy does recognise that new places are only one part of the wider system, and that the creation of new places needs to be considered in conjunction with enhanced mainstream inclusion. There is currently a real focus around the barriers to mainstream school inclusion both through the development of the Strategy for Inclusive Education and the outcomes of the DBV work. Over time this work has the potential, in partnership with schools, to support enhanced mainstream inclusion. However, for those pupils that need a special school place, the Council has a statutory duty to provide one.

4.3 In October 2022, the Council submitted a bid to create a second special free school in Solihull, in addition to the Heights which is due to open in Autumn 2023. This new bid seeks to create a special school with 150 places catering for pupils with Severe Learning Difficulties but also for pupils with a range of learning needs as appropriate (including more complex Moderate Learning Difficulties and those with Profound and Multiple Learning Difficulties) and co-occurring needs including Multi-sensory Impairment, Autism and Social Emotional and Mental Health needs, but these will be secondary to their significant learning disability. The outcome of this bid is expected in early Spring 2023, but even if successful the new school is likely to take four years to deliver to opening stage. This proposed expansion has the potential to provide places in the short-term as at least an interim solution.

4.4 As already identified, existing special sites and buildings are proving to be a real barrier to increasing special school places. The proposals set out in this report provide a real opportunity to support a potential expansion across the wider Forest Oak and Merstone campus.

5. Reasons for recommending preferred option

5.1 Subject to the outcome of the consultation process, it is considered that the proposals set out in this report will provide a cost-effective solution to the creation of additional special school places in time for September 2023.

5.2 Feasibility work, carried out in partnership with the schools, has shown that the accommodation can support up to 30 places, the equivalent of two additional classes.

5.3 The creation of new places in Solihull will reduce the number of children having to be

placed outside of Solihull and therefore reduce the demand on the High Needs Budget and the transport budget.

- 5.4 Officers have submitted a bid for a special free school as part of the Government’s free school bidding wave, but even if it is successful, it is likely that a new school will take 4 years to open so an interim solution is required.

6. Implications and Considerations

- 6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>Development of high quality ‘in-house’ provision will mean a wider offer of specialist provision for families living in Solihull. As well as enabling families to access local provision, it will also reduce the travel time for some of Solihull’s most vulnerable children.</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough’s economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>The Council has a statutory duty to provide sufficient school places for families living in Solihull. The development of alternative and specialist provision in Solihull will seek to meet the demand from current and future families.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	<p>Creating additional school places in Solihull will reduce the travelling distances for children to access their school place.</p>
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	<p>N/A</p>

- 6.2 Consultation and Scrutiny:

6.2.1 This report is seeking permission to undertake a period of consultation on the proposal to expand Forest Oak and Merstone Special Schools.

6.2.2 Any subsequent statutory process will also require a further 4 week consultation

period before the outcome of the statutory process can be determined.

6.3 Financial implications:

- 6.3.1 The High Needs Block of the Dedicated Schools Grant (DSG) funds both SEND and AP provision. Solihull Council's High Needs Block funding for 2022-23 financial year is £37.76 million and, like most LA's, is over-committed (forecasting a £3.585m deficit in 2022-23), which combined with the deficit brought forward from 2021-22 gives a forecast accumulated £16.8m High Needs Block reserve deficit by the end of 2022-23.
- 6.3.2 Solihull has been working intensively with the Delivering Better Value (DBV) Programme led by the DFE, to support developing an action plan to move towards a balanced in-year position. The action plan aims to improve both outcomes for children and young people and the financial position. The DBV work so far has highlighted that the underlying trends of rising spending are due to a combination of more pupils, pupils presenting with greater needs, the placement of significant numbers of pupils in independent provision, and issues concerning best practice around inclusion across the Children's Partnership, which are creating the significant overspend on the High Needs Budget. The DBV action plan will impact on the ongoing development of this strategy.
- 6.3.3 The Government has provided a grant to Local Authorities to support the expansion of AP and specialist provision. The High Needs Provision Capital Allocation (HNPCA) for Solihull equates to almost £6.3 million across 2022-23 and 2023-24 and it will be used to support the work identified in this report.
- 6.3.4 The cost of acquiring the property and undertaking the required minor alteration and refurbishment works will be detailed in the proposed report to Cabinet in March 2023. The accommodation may require some set up costs for fixtures and fittings, including an IT offer. Further work is required to identify what is required.
- 6.3.5 The new places will be funded from the high needs block in the normal way of £10,000 per place plus the top-up funding for each place filled. Each place filled will generate an additional £6,000 in revenue funding for the High Needs Block in future years.

6.4 Legal implications:

- 6.4.1 The Council has a statutory duty to ensure there are sufficient places to meet the needs of Solihull children and is required to follow a statutory process when considering the creation of new or additional places.
- 6.4.2 The legal implications associated with the acquisition of the property and undertaking the minor alteration and refurbishment works will be detailed in the proposed future Cabinet report.

6.5 Risk implications, including Risk Appetite:

- 6.5.1 The pupils accessing the new places in the satellite provision will still need access to the main school site to support the wider curriculum offer as well as dining. There is already pressure on the school's existing infrastructure at the main site, which will

need to be reviewed in order to support the school expansion.

6.5.2 Subject to the outcome of the consultation process, the delivery of the proposals set out in this report is dependent on the completion of the acquisition of the property by the Council, and the proposed minor alteration and refurbishment works being carried out. Risk implications associated with these matters will be detailed in the proposed future Cabinet report.

6.6 Equality implications:

6.6.1 This proposal seeks to actively reduce inequality and improve outcomes for children and young people with additional needs or any other protected characteristic.

7. List of appendices referred to

7.1 None

8. Background papers used to compile this report

8.1 SEND School Place Commissioning Strategy

9. List of Other Relevant Documents

9.1 DfE guidance: Making significant changes to maintained schools.