

Investment to provide Post 19 PMLD Places

1. Introduction

- 1.1** The High Needs Block within the DSG is subject annually to an underlying overspend of £2M. The Schools Forum has set up a working group to deliver proposals to manage the budget back to a balance.
- 1.2** Officers in conjunction with Greenvale Special School have developed a proposal to extend the age range of the school and to provide 20 places for 19-25 year olds with PMLD.
- 1.3** The proposal is expected to generate an annual revenue saving for the DSG of £270K. This would, however, require an estimated capital expenditure of £1.2M. The proposal would offer a pay-back period of 5 years.

2. Recommendation

- 2.1** The Schools Forum is asked to support the use of £1.25M of DSG-CERA in order to reduce the revenue costs of the High Needs Block within the DSG.

3. Proposal

- 3.1** To meet the demand for post 19 Specialist Provision Greenvale's Governing Board proposal to undertake consultation to extend the age range of its pupils up to 25 years of age.
- 3.2** Subject to completion of school organisation requirements in making a prescribed alteration extending the age range, it is then proposed that Greenvale will provide education and training for up to 20 post 19 pupils with Profound Multiple Learning Difficulties (PMLD), with effect from September 2015.
- 3.3** Greenvale school does not have the space and facilities within its current building to meet the increase in numbers for post 19 and the needs of these pupils. It is proposed that there is Capital Investment to renovate House on the Hill, to accommodate the post 19 Greenvale pupils and that this is funded from DSG-CERA

4. Background

- 4.1** The majority of students with special educational need and disabilities over the age of 19 years can have their education and training provision needs met in a mainstream setting. For a small number of students with high levels of special

educational need and disabilities over the age of 19, their education and training needs can only be met by a Specialist Provider.

- 4.2** Lewisham Council currently has 31 students, aged 19 or over but under 25, who, have been assessed as being eligible for Specialist Provision as their assessed needs cannot be met by mainstream provision.
- 4.3** Currently all the Independent Specialist Provision for students with high levels of need are located outside of Lewisham Borough. Lewisham Council currently sends its high needs students to 12 different Independent Specialist Providers. The nearest Independent Specialist Provider is in Bromley, which is where 12 of Lewisham Council's 31 high needs students attend. The other Independent Specialist Providers are in Hampshire, Hertfordshire, Kent, Somerset, Surrey, Lincolnshire, Sussex, Devon, and Northamptonshire.
- 4.4** Under the current Education Funding Agency funding arrangements, high needs students over the age of 19 years with special educational needs and disabilities, who have been assessed as eligible for Specialist Provision will be entitled to three years education and training provision, which will be reassessed every year.
- 4.5** The High Needs Sub Group report that went to the School Forum on the 12th December 2013 reviewed the costs of High Need Students and highlighted the costly impact that Independent Specialist Provision was placing on the high needs budget. The report noted that the ability to manage this financial pressure now and in the future is limited due to not having the appropriate provision within the borough to meet the pupils additional needs.
- 4.6** The report also highlighted that current forecasts show that this is unlikely to be a short term issue but rather a longer term one. Further problems are also expected due to the expanding pupil population and the consequential increase in the number of pupils with high needs.
- 4.7** House on the Hill is a single storey building arranged around two external courtyards. Lewisham Council converted the building from offices in 2003 to a residential building. House on the Hill is a Lewisham asset that is currently leased to Action for Children to provide a residential overnight short break service to disabled children and young people with high levels of need, who have been assessed by the Children with Complex Needs Service as needing this service.
- 4.8** Renovating House on the Hill to accommodate a new specialist provision for high needs students with special educational needs and disabilities to have their education and training needs met will provide Lewisham Council with the potential to manage high needs specialist provision more effectively and reduce the spend on the high needs budget. It has been estimated that this proposal could achieve an estimated saving of £12k per place per year on Independent Specialist Provision placement costs. It is proposed that the new specialist provision would accommodate 20 places at full capacity, which would represent a saving of £240k per annum on the high needs budget.

- 4.9** The proposed new specialist provision will also enable the young people and their families to have more choice and opportunity to continue receiving education and training within their home borough. It will also better support the young people's transition into adulthood and enable them to develop friendships and networks of support within their home borough. This will also have the potential to achieve savings in the adults general fund if they subsequently stayed within borough. It is also envisaged that some of the young people who have to take residential placements due to the location of Independent Specialist Provisions would be able to stay in their own homes and travel to and from their homes on a daily basis. This would provide the council with the potential to achieve savings by reducing the number of residential placements both within Children's and Adults services.
- 4.10** The Council has already committed to a renovation of the building to improve the facilities for short breaks provision at an estimated cost of £500k for which there is a capital grant available to meet the costs. The proposed capital works would be extended to include a renovation to make available suitable accommodation for the post 19 PMLD provision. The proposed total cost of works for the whole site is £1.75M.
- 4.11** After the Short Breaks Grant contribution of £500K then there remains a balance of £1.25M to fund. The reduced cost of Post 19 provision will accrue to the DSG and it would therefore be appropriate to fund the expenditure from the accumulated DSG-CERA funds. Given the pressure on the provision of school places, it is not possible to divert capital resources from the Basic Need Grant. Also, it is estimated that there will be a shortfall in September 2016 of £19.3M to fund places expansion.
- 4.12** Renovating House on the Hill to accommodate education and residential use will require an application for change of use from Planning. Advice from initial conversations with Planning suggests that this should be approved .

5. Financial Implications

5.1 Capital

- 5.1.1** The total cost of the Short Breaks and PMLD provision is estimated at £1.75M. There is capital grant of £0.5M to fund the Short Breaks work leaving a balance of £1.25M.
- 5.1.2** Given that the revenue benefits of the investment will be seen in terms of reduced High Needs spending within the DSG it would be an appropriate investment for the DSG to make. Each year Schools Forum sets aside £1.2M for capital purposes, historically to deal with emergency maintenance works in schools. In 2014-15 £1.5M was agreed to fund the summer maintenance programme given the pressure on other grant resources to meet the school places demand. The unallocated balance on the fund currently is £2.6M, thus this investment can be afforded and leave a sufficient sum for any emergency works.

5.2 Revenue

- 5.2.1** The investment in PMLD provision is expected to generate a revenue saving of £270K per annum including estimated transport savings. This gives a pay-back period of 5 years. This is a reasonable period of pay back for this type of works. The short breaks investment has the potential to reduce current costs by 40% subject to the outcome of the retendering of the service delivery contract at House on the Hill

6. Legal Implications

- 6.1** Section 15ZA requires local authorities to secure enough suitable, full and part time, education and training opportunities to meet the reasonable needs of the following people in its area:
- young people who are over compulsory school age but under 19; and
 - learners aged 19 and over, but under 25 who have (or should have had) a learning difficulty assessment under section 139A or 140 of the Learning and Skills Act 2000 but the duty does not extend to, persons subject to a detention order.
- 6.2** In securing education and training opportunities, local authorities must take account of people's ages, abilities and aptitudes; any learning difficulties they may have; the quality of the education or training; and the locations and times at which those opportunities are provided. In performing these functions local authorities also act with a view to encouraging diversity (in both type of provider and provision) and increasing opportunities for young people to exercise choice.
- 6.3** Under provisions contained in the recently enacted Children and Families Act 2014 and which come into force on 1st September 2014 and will be subject to transitional arrangements, the statutory assessment process for assessing special educational needs will continue. However, it will in future need to be co-ordinated across education, health and care. Statements of special educational needs for children and young people will cease and be replaced in due course by a new single multi-agency assessment and care plan, to be referred to as an Education, Health and Care Plan.(EHC Plan) The age range for children and young people who might be eligible for a EHC Plan will extend from 19 to 25 years. Consequently the new EHC Plan will span from 0 -25 years.
- 6.4** With the additional prospective responsibilities in relation to SEN provision as required by the Children and Families Act 2014 the governing body of Greenvale Special School propose to make a prescribed alteration to change the upper age limit to 25 years old. The expansion of the school onto an additional site no longer requires a formal statutory process to be followed.; however the usual principles of public law requiring the need to act rationally, taking into account all relevant considerations and following a fair procedure must be adhered to. The governing body will also need to ensure that the

additional new provision is genuinely a change to the existing school and is not a new school.

- 6.5** Section 80 of the School Standards and Framework Act 1998 provides that a Governing Body of a maintained school is responsible for deciding whether or not to provide part time education for pupils over compulsory school age or full time education suitable to the requirements of persons who have attained the age of 19; but the governing body of a community or foundation special school shall not determine to provide or cease to provide, such education without the consent of the local authority.