

Birmingham City Council

Report to Cabinet

23 April 2024



Subject:	SEND SUFFICIENCY STRATEGY 2024-2030
Report of:	Sue Harrison, Strategic Director of Children and Families
Relevant Cabinet Member:	Councillor Karen McCarthy - Children, Young People and Families
Relevant O &S Chair(s):	Councillor Kerry Jenkins - Education, Children, and Young People
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 012715/2024		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 To seek approval of the SEND Sufficiency Strategy 2024-2030 which is designed to enable the Local Authority to meet its statutory duty to ensure there are sufficient school places available to meet the needs of all children and young people with SEND.

2 Recommendations

- 2.1 That Cabinet approve:
- 2.2 The SEND Sufficiency Strategy 2024 – 2030
- 2.3 The roll-out of proposals to expand our special school and mainstream resource base provision in line with forecast needs over the period of the strategy.

3 Background

- 3.1 Birmingham City Council has a statutory duty to ensure there are sufficient school places available to meet the needs of all children and young people (CYP) living in Birmingham, and to secure appropriate provision for CYP with Special Education Needs and Disabilities (SEND).
- 3.2 The demand for SEND places within Birmingham has grown significantly over the last 10 years. The number of pupils aged between 4 and 19 with an EHCP in Birmingham has grown by 1,147 (13.7%) over the last three years. It is anticipated that, overall, there will be 2,100 more CYP with EHCPs by 2030. There is, therefore, a clear need to continue to expand existing special schools and mainstream resource bases, as well as seeking opportunities to develop new provision to meet our ongoing sufficiency requirements.
- 3.3 A multi-disciplinary Task and Finish Group has been meeting regularly since late November 2022 to map our current provision, rationalise data, develop forecasts, identify gaps in provision, and to agree plans for additional resource bases, special schools, and annex or satellite provision. The group has assessed current capacity and commissioned projections of future need.
- 3.4 The resulting draft SEND Sufficiency Strategy for 2024-2030 highlights the key challenges which accompany recent increases in EHCP numbers, including the resulting impact on demand for special school and resource base places.
- 3.5 The SEND Sufficiency Strategy complements the vision for CYP in Birmingham and the priorities that are set out in both the SEND Birmingham Inclusion Strategy and the Birmingham SEND Strategy for 2023-2028 which were launched on 10 July 2023. These strategies have been co-produced with, and informed by, the contributions of children, young people, young adults, families, and our partners.
- 3.6 The SEND Sufficiency Strategy summarises our existing provision for CYP with EHCPs, current capacity issues, and the steps we have taken so far to address them. It forecasts the need for future places and sets out plans for increasing provision to secure the additional places required. It will inform strategic commissioning intentions and will be annually reviewed and updated as necessary. Ensuring that there are sufficient places at the right educational settings for CYP with SEND is fundamental to achieving the visions and plans that the Inclusion and SEND Strategies for 2023-2028 outline.

- 3.7 The SEND Sufficiency Strategy proposals were presented to the SEND Improvement Board on 12 July 2023. Since then, forecasts have been updated using the latest 2023 data.

The Strategy

- 3.8 Current forecasts show a potential shortfall of 1,133 special school places and 456 mainstream resource base places between now and the end of the academic year 2029/30. The majority of these places are required for CYP with Autistic Spectrum Conditions (ASC) and Speech, Language, and Communication needs (SLCN).
- 3.9 Special School expansion schemes have already delivered 232 additional places from September 2022, and more are planned. Capital projects have included remodelling of existing buildings, extensions, and provision of new modular buildings.
- 3.10 However, in recognition of the physical limitations of existing special school sites, work to re-purpose spare capacity within mainstream settings to develop satellite provision for children who need a special school place is proceeding.
- 3.11 Current schemes involve 13 special schools and will potentially provide 523 new places in our priority areas of need phased over the next six years.
- 3.12 Successful Free School bids for two new special schools to provide a combined 520 additional places received DfE approval on 2 March 2023. Work is now underway with the DfE to select sponsors.
- 3.13 Overall, our confirmed number of planned special school places total 1,043 against a projected shortfall of 1,133.
- 3.14 Some schemes are being prioritised between now and September 2024 to deal with immediate needs.
- 3.15 Expansion schemes for our existing mainstream resource bases have also been delivered, resulting in an increase of 68 places from September 2023. DfE approval has been received in respect of seven new resource bases and business cases are being urgently prioritised for six further schools.
- 3.16 Additional schemes for resource bases currently planned are projected in total to deliver 318 places against the projected shortfall of 456 places. Early delivery for 2024 has been prioritised.
- 3.17 Overall, work with a total of 54 special schools, mainstream schools, and resource bases, who have indicated a willingness to develop provision, is ongoing.

Next Steps

- 3.18 To supplement this work, engagement events with Independent/Non-Maintained providers are planned for summer term 2024. This will potentially enable a wider range of good and outstanding provisions within the city to contribute to overall sufficiency.

- 3.19 Data and forecasts will be refined, and additional options for phased expansion will be identified, to ensure that we provide sufficient contingency to react to any changes over time in the numbers of places required.
- 3.20 Further detailed work will be completed around the Early Years, Post 16, and Alternative Provision sectors, in addition to the development of a dedicated strategy for the SEMH sector in collaboration with schools and wider stakeholders.
- 3.21 The Local Authority is keen to ensure that we meet our statutory requirements and respond to the capacity pressures we face. We aim to continue our ongoing expansion programme to:
- Procure provision that offers value for money
 - Secure provision when and where it is needed
 - Commission a range of provision that is robust, good quality, resilient, flexible, and creative and which matches the range of needs of SEND pupils
 - Ensure that children/young people placed in independent non-maintained special schools, including those out of borough, have the best chances of securing positive outcomes through quality provision.

4 Options considered and Recommended Proposal

- 4.1 The lack of a SEND Sufficiency Strategy has hampered our ability to meet our statutory sufficiency duty which enables CYP to be educated in the right provision for them.
- 4.2 A SEND Sufficiency Strategy that sets out our forecast needs over a six-year period and the provision required to meet those needs will provide a basis for the ongoing development of a detailed implementation plan, revised on at least an annual basis. This is the recommended proposal.

5 Consultation

- 5.1 All Business Partners from Finance, Legal, HR and Procurement have been consulted.
- 5.2 The Cabinet Member for Children, Young People and Families and the Chair of the Overview and Scrutiny Committee for Education, Children Young People and Families have been consulted.

6 Risk Management

- 6.1 The Education Infrastructure and SEND Commissioning services have extensive experience of the management and rollout of Capital and Revenue funded expansion programmes in the SEND sector; previous systems and processes will be replicated and utilised to ensure successful delivery of the programmes.
- 6.2 A SEND Sufficiency steering group has been meeting since November 2022 representing different service areas within the Council (SEND Commissioning,

SENAR, Education Infrastructure, School Improvement, School Support Services, Pupil Place Planning, and Finance) to manage and monitor the progress of the strategy development and associated programmes. Other professional colleagues will be brought in to support and advise as and when required. A SEND Sufficiency Implementation Group has been set up to manage implementation of the strategy and is meeting fortnightly. This group will develop and monitor a Risk Register as part of their work with high level risks escalated as appropriate.

- 6.3 The SEND Commissioning Service has an approved growth staffing structure which is required to ensure that there is enough capacity to deliver the strategy and to appropriately broker, monitor, and quality assure the necessary provision.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 Birmingham City Council supports the inclusion of children and young people with special education needs and disabilities (SEND) both in education and within the communities where they live. We recognise that meeting needs locally improves outcomes for CYP.
- 7.1.2 The SEND Sufficiency Strategy is aligned with the vision for CYP in Birmingham and the priorities that are set out in both the SEND Birmingham Inclusion Strategy and the Birmingham SEND Strategy for 2023-2028 which were launched on 10 July 2023.
- 7.1.3 The SEND Sufficiency Strategy 2024-2030 is designed to meet the following aims of the Council:
- Give all children from every background and community the best start in life with a clear pathway to achieve success and realise their potential.
 - Ensure that there are sufficient pupil places, secure diversity in provision of schools, and increase opportunities for parental choice through planning and securing appropriate provision.

7.2 Legal Implications

- 7.2.1 Birmingham City Council has a statutory duty under sections 13 and 14 of the Education Act (1996) to ensure there are sufficient school places available to meet the needs of all children living in Birmingham. This includes having regard to the need to secure provision for CYP with SEND.
- 7.2.2 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for CYP who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.

7.3 Financial Implications

- 7.3.1 The funding for the capital programme to create the additional places required is primarily derived from the DfE's High Needs Provision Capital Allocation (HNPCA). However, it should be recognised that additional Corporate Resources will be required in the future (should DfE allocations not be sufficient) to meet statutory requirements to provide additional pupil places (including for pupils with Special Educational Needs and Disabilities (SEND)). Where this is the case a business case will be submitted for approval.
- 7.3.2 Revenue funding for additional places will need to be provided via the High Needs Block of the DSG.
- 7.3.3 In the short term any increase in EHCP's can be funded from within any High Needs Block DSG surplus. Sustainability of any future increase in the cost of EHCP's will be managed through mitigation actions delivered within the Delivering Better Value Programme.

7.4 Procurement Implications (if required)

- 7.4.1 We do not anticipate any direct procurement implications for the Council in expanding maintained, academy and free school provision.

7.5 Human Resources Implications (if required)

- 7.5.1 Additional posts have been identified within Strategy, Commissioning, and Transformation as part of the organisational review of the Children and Families Directorate.
- 7.5.2 The City Council process for establishment of the new posts has been followed and the City Council's Recruitment and Selection and Equal Opportunities in Employment Policy will be adhered to in a recruitment and selection context.
- 7.5.3 The additional posts will provide support to this initiative and help ensure the success of the SEND Sufficiency Strategy 2024-2030.

7.6 Public Sector Equality Duty

- 7.6.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by, or under, the Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.6.2 The sufficiency functions carried out by the Council's SEND services are designed to support the aims set out in section 149 of the Equality Act 2010, particularly in respect of those with the protected characteristic of disability.

7.6.3 An Equality Impact Assessment has been undertaken on 1 March 2024. The outcomes from the assessment demonstrate that the proposals for additional specialist provision support positive outcomes for children, young people, their families, and carers. No negative impacts on people with Protected Characteristics were identified. It was concluded that strengthening the sufficiency of SEND places for children and young people contributes to providing positive life chances and supports a positive approach to inclusion in Birmingham.

7.7 Environmental and Sustainability Implications

7.7.1 Environment and Sustainability Assessments will be undertaken in respect of specific projects if required.

8 Appendices

8.1 Appendix 1 - Draft SEND Sufficiency Strategy 2024-2030

8.2 Appendix 2 - Equality Impact Assessment