

## High Needs Provision Framework

### 1.0 Introduction

- 1.1 This document provides a detailed framework to guide the development of the high needs estate in the city. The high needs estate is made up of educational settings who are primarily supported by the high needs funding system including special schools, resource bases and alternative provision.
- 1.2 This section also outlines the Council's commissioning priorities to ensure sufficiency and support the development of appropriate student pathways across the local high needs estate.

### 2.0 Background

- 2.1 On 12 September 2018, Cabinet approved the Vision for School Organisation 2018-2020; which outlines the Council's policy in relation to the planning and organisation of school provision across the city.
- 2.2 Pre-existing policy recommends that the development of provision for students with Special Educational Needs and Disabilities (SEND) is guided by the following principles:
- "Local solutions are developed to support a reduction in the required number of out of city placements.
  - The number of transitions experienced by children with SEND should be minimised wherever possible.
  - Solutions should be developed to offer opportunities for students with SEND to attend mainstream provision, unless doing so would be incompatible with the provision of efficient education for other children." (City of Wolverhampton Council, September 2018).
- 2.3 Levels of demand for educational provision in Wolverhampton have increased significantly in recent years. This uplift has primarily been driven by a 24% increase in births between 2002 (2,807) and 2014 (3,481) (source: ONS Vital Statistics) but will also have been influenced by increased life expectancy for children born with complex disabilities and congenital conditions. Levels of demand for special school provision are also influenced by the cross-border movement of students; Wolverhampton is a net importer of school age special school students.
- 2.4 The development of this policy document has benefited from widespread early consultation with key stakeholders (including Council representatives, local headteachers, parents and carers, health partners and members of Wolverhampton's SEND and Commissioning Partnership Board).

### 3.0 Key Legislation

- 3.1 Local authorities must ensure that there are sufficient good school places for all pupils, including those with SEND.

- 3.2 The Children and Families Act 2014 specifies pertinent duties placed on local authorities in relation to the provision of support for children and young people with SEND. Including:
- Local authorities in England must exercise their functions with a view to securing that they identify all the children and young people in their area who have or may have special educational needs and/or a disability.
  - Local authorities in England must keep under review the educational provision, training provision and social care provision made in their area for children and young people who have special educational needs or a disability, and the educational provision, training provision and social care provision made outside their area for children and young people for whom they are responsible who have special educational needs and/or a disability.
- 3.3 The Equality Act 2010 brings all pre-existing equalities duties (including the Disabilities Discrimination Act 1995) together under a single legal framework. It promotes a fair and equal society and prohibits discrimination against people with the protected characteristics that are specified in section 4 of the Act. Disability is one of the specified protected characteristics.
- 3.4 The Special Educational Needs and Disability Code of Practice: 0 to 25 Years (2015) is a joint publication by the Department for Education and Department of Health which provides statutory guidance on the duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations for England.

#### **4.0 Joint Commissioning**

- 4.1 To ensure that sufficient high-quality educational provision is available for children and young people with SEND it is imperative that commissioners and providers have a full understanding of the needs of our communities.
- 4.2 The City of Wolverhampton Council has recently published the 'Children and Young People with Special Educational Needs and Disabilities' Joint Strategic Needs Assessment 2019. This detailed report aims to collate and analyse national and local information and data to develop a comprehensive picture of the education, health and social care needs of children and young people with SEND in Wolverhampton. The Joint Strategic Needs Assessment 2019 is available here:  
<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/advice.page?id=EplePwKY9e0>
- 4.3 The City of Wolverhampton Council also produces an annual report entitled the SEND Sufficiency Analysis which is informed by the JSNA and provides a summary outlining current and anticipated future needs of children and young people with SEND in Wolverhampton. Recent publications of the SEND Sufficiency Analysis are available here:  
<http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/site.page?id=06WnRCxXzYk>

- 4.4 Key headlines from the 2019 SEND Sufficiency Analysis:
- The number of pupils with SEND in the city has increased over the last three years (6,935 in January 2016 to 7,834 in January 2019).
  - 2.96% of students in Wolverhampton schools in Jan 2019 had an EHCP (increase from 2.75% in Jan 2018).
  - 14.05% of students in Wolverhampton schools in Jan 2019 were accessing SEN Support (increase from 14.01% in Jan 2018).
  - The identified prevalence of the primary needs of ASD, Other, SEMH, SLCN has increased in recent years.
  - The identified prevalence of the primary needs of MLD, SLD, SpLD and PMLD has decreased in recent years.
  - In April 2019, 15% of pupils with Wolverhampton EHCPs were placed in out of city or Independent provision.
  - In 2018-19 academic year, 7% of pupils (60 pupils) in Wolverhampton's special schools were from other local authority areas.
  - The total number of pupils with SEND within Wolverhampton's schools are forecast to increase by 11.22% between 2018/19 and 2026/27.
- 4.5 The SEND Sufficiency Analysis complements the 'Children and Young People with Special Educational Needs and Disabilities' Joint Strategic Needs Assessment 2019. Together they provide a robust and timely summary of information regarding Wolverhampton's children and young people with SEND which:
- Informs strategic, system wide priorities to improve independence and outcomes for children and young people with SEND, and their families, in Wolverhampton
  - Informs commissioning at both strategic and operational levels, so that services and support are tailored to need and based upon the best available evidence
  - Informs the wider system so that all relevant future plans in the city (e.g. leisure, built environment) are considered through the lens of independence and inclusion, reducing the social and environmental barriers to living an ordinary life.
- 4.6 The Special Educational Needs and Disability Code of Practice: 0-25 years (DfE & DoH 2015) highlights the importance of local partners working together to ensure that support services are effectively coordinated and integrated.

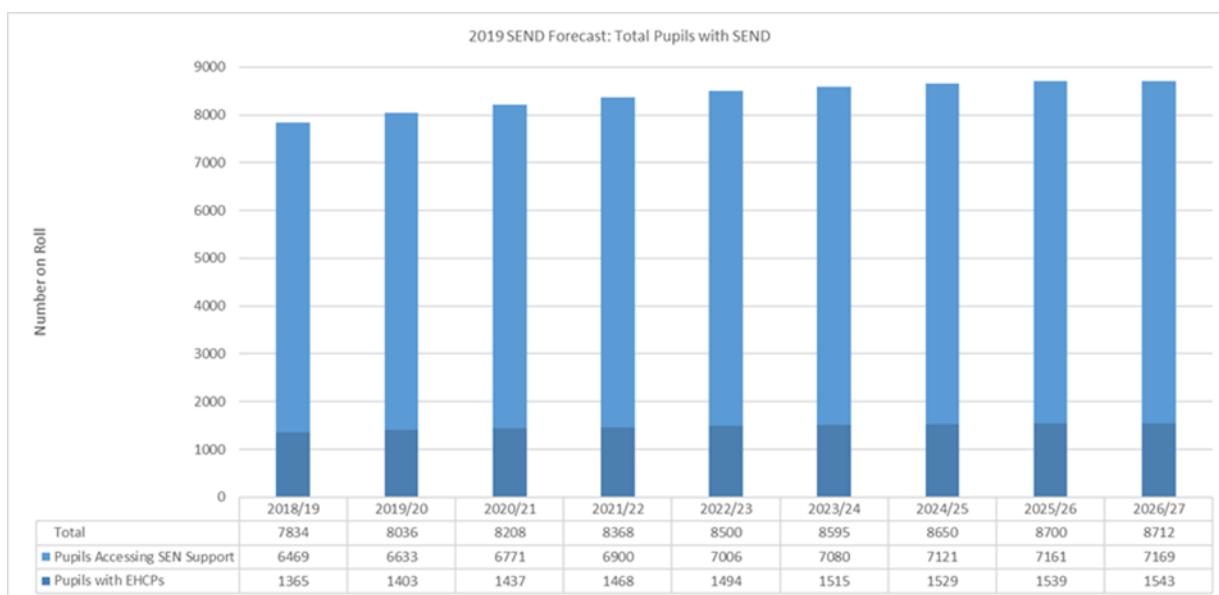
It is recommended that the City of Wolverhampton Council works closely with health partners when planning or proposing changes to the high needs estate in the city.

## **5.0 Local Context**

- 5.1 Current Provision: Wolverhampton has a wide range of state school provision available to support the needs of pupils with SEND including mainstream schools, resource bases (x11), special schools (x8) and pupil referral units (x4).
- 5.2 Placements: Wolverhampton has a lower proportion of children and young people with education, health and care plans in mainstream schools than the national average (29% to 39% respectively in 2019). However, in 2018 48% of new placements were into mainstream provision.

- 5.3 Out of City and Independent Provision: To appropriately meet the needs of students with SEND it is sometimes necessary to place pupils in out of city or Independent provision. However, these placements can result in students needing to travel long distances and are often more expensive than local placements. In April 2019, 15% of Wolverhampton students with EHCPs were placed in out of city or Independent provision.
- 5.4 Cross Border Movement: Wolverhampton has consistently been a net importer of school age special school students over the past decade and local provision continues to cater for significant numbers of pupils from out of city. In 2018-19 academic year, 7% of pupils (60 pupils) in Wolverhampton’s special schools were from other local authority areas.
- 5.5 Forecast Demand: The population of children and young people with special educational needs and disabilities in the city is dynamic and growing. As illustrated in Figure 1 below, the total number of pupils with SEND within Wolverhampton’s schools are forecast to increase by 11.22% between 2018/19 and 2026/27.

Figure 1: 2019 SEND Forecast: Total Pupils with SEND in Wolverhampton Schools



- 5.6 Annual Place Commissioning Cycle: To ensure the efficient and fair employment of limited resources and ensure the sufficiency of local provision, the City of Wolverhampton Council has recently implemented and embedded an annual high needs place commissioning cycle.

The continuation of the annual high needs place commissioning process (including annual commissioning meetings with providers) is recommended.

It is recommended that decisions relating to the future number of high needs places commissioned within SEND provision in the city are principally driven by historic numbers on roll within each setting. Exceptions to this rule will include;

- Providers undertaking a reorganisation of SEND provision in partnership with the local authority to meet local needs.
- Providers for whom the local authority recognises that the minimum viability place threshold has not been reached.
- Provision experiencing a significant change in local circumstances.

5.7 Capital Funding: Central Government has allocated £365 million of capital funding nationally (the Special Provision Capital Fund) to help local authorities create new school places at good or outstanding provision and improve existing facilities for children and young people with SEND.

In March 2019, the Cabinet Member for Education and Skills, in consultation with the Director of Finance and the Director of Education noted the outcome of consultation on the investment priorities for the future use of the Special Provision Capital Fund and endorsed the identified investment priorities for the future use of the Special Provision Capital Fund. Wolverhampton's published Special Provision Capital Fund Short Plan can be found here:

[https://search3.openobjects.com/mediamanager/wolverhampton/asch/files/special\\_provision\\_capital\\_fund\\_short\\_plan\\_march\\_2019 .pdf](https://search3.openobjects.com/mediamanager/wolverhampton/asch/files/special_provision_capital_fund_short_plan_march_2019.pdf).

A limited capital pot remains available to support the establishment of new resource base provision in the city. However, constrained capital resources mean that changes to the city's high needs estate will need to be phased and implemented when appropriate resources are available to support local priorities.

It is recommended that a longer term, estate wide approach to the development of the high needs estate is adopted that both maximises the use of existing facilities and develops flexible local provision.

## 6.0 Guiding Principles

- 6.1 It is recommended that the development of high needs provision in the city is guided by the following principles:
- A transparent, choice of provision and providers is available to students and families.
  - Clear and consistent pathways are offered within Wolverhampton's high needs estate.
  - A broad range of high needs provision, including a comprehensive graduated response, is available within the city.
  - High quality, local solutions are developed to support a reduction in the required number of out of city placements.
  - Solutions are developed to offer opportunities for students with SEND to attend mainstream provision, unless doing so would be incompatible with the provision of efficient education.

## 7.0 Mainstream Provision

- 7.1 The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEND should be educated.

Improving access to mainstream education and educational achievement for students with high needs is essential to ensure equality of opportunity, full participation in society, greater independence, and access to employment opportunities.

It is recommended that the vast majority of students with SEND in Wolverhampton should access mainstream schools.

- 7.2 The City of Wolverhampton Council's Schools Accessibility Strategy aims to maximise the benefits to children and young people with SEND by; increasing the extent to which pupils with SEND can participate in the school curriculum, ensuring that pupils with SEND are able to gain maximum benefit from their time in education through improving facilities and services provided or offered by schools and improving the delivery of information to disabled pupils.

It is recommended that the accessibility of mainstream facilities is considered within the design and delivery of all school capital projects commissioned by the Council.

- 7.3 **Commissioning Priorities:**  
In accordance with this policy and to effectively meet community needs moving forwards, the City of Wolverhampton Council will prioritise the commissioning of an effective, targeted and transparent outreach offer to provide specialist support to mainstream schools and promote inclusion.

## **8.0 Resource Base Provision**

- 8.1 Resource bases offer specialist provision reserved for pupils with SEND within a mainstream school. The Department for Education (DfE) categorises resource bases as either 'SEN units' or 'resourced provision'.

SEN units are, "...special provisions within a mainstream school where pupils with SEND are taught mainly within separate classes" (DfE 2019), that are formally recognised by the local authority as reserved for pupils with SEND.

Resourced provisions are, "...places that are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school" (DfE 2019), that are formally recognised by the local authority as reserved for pupils with SEND.

- 8.2 Admissions into resource bases are controlled by the City of Wolverhampton Council and are distinct from mainstream admission arrangements. Places are commissioned on an annual basis in accordance with the annual high needs place commissioning process.
- 8.3 The City of Wolverhampton Council:
- Recognises the benefit of developing a broad geographic spread of resource base provision across the city.
  - Recommends that a range of resource bases are developed to cater for the broad areas of need identified in the SEND Code of Practice i.e. Communication and

Interaction, Cognition and Learning, Social, Emotional and Mental Health Difficulties and Sensory and/or Physical Needs.

- Recommends the exploration of opportunities to extend the range of needs that existing resources bases cater for (excluding sensory resource bases).

8.4 It is recommended that, when prioritising the potential development of resource base provision in the city, the following factors are considered:

- School Performance – schools judged as ‘Good’ or ‘Outstanding’ by Ofsted will be prioritised.
- Leadership – schools with stable and proven leadership will be prioritised.
- Local Needs – schools in areas of high demand will be prioritised.
- Viability – schemes which can be most easily and efficiently implemented will be prioritised.

8.5 In certain circumstances, the Council will consider the discontinuance of maintained resource base provision. We will consider this if a setting meets two or more of the below criteria:

- The setting is judged Inadequate by Ofsted.
- The performance of students in the resource base is unacceptably low.
- The resource base has a significant number of surplus places.
- There are significant suitability issues in respect of the resource base’s accommodation/site
- Closure could be effected without denying existing students access to appropriate alternative educational provision.

8.6 Commissioning Priorities:

In accordance with this policy and to effectively meet community needs moving forwards, the City of Wolverhampton Council will prioritise:

- The commissioning of additional resource base provision to enhance the local offer for pupils with Social Emotional and Mental Health Difficulties (SEMH).
- The commissioning of additional resource base provision to enhance the local offer for pupils with Autistic Spectrum Disorder (ASD) and/or Speech, Language and Communication Needs (SLCN).
- The commissioning of opportunities to extend inclusive resource base provision into the primary and secondary phases.
- The exploration of opportunities to extend the range of needs that existing resources bases cater for (excluding sensory resource bases).

## **9.0 Special School Provision**

9.1 A special school is a school “specially designed to make special educational provision for pupils with special educational needs” (DfE 2014).

9.2 Places in special schools are commissioned on an annual basis in accordance with the annual high needs place commissioning process.

9.3 The City of Wolverhampton Council recognises the practical benefits of larger special schools, including;

- a workforce with a wider spectrum of experience and expertise,
- increased opportunity to offer a broad and balanced curriculum,
- greater flexibility to cover staff absence,
- increased potential to provide strategic leadership succession opportunities,
- the opportunity to utilise resources more efficiently, and;
- an increased ability to readily respond to change.

To promote the efficient use of scarce resources and support the development of robust provision which can flex to meet changing community needs, whilst recognising the importance of a personal ethos; it is recommended that Special Schools in the city offer a minimum of 75 places and a maximum of 250 places.

9.4 To meet rising demand for special school places the Council will continue to consider, where feasible and required, the expansion of existing special schools across the city. To safeguard the sustainability of the existing special school estate, the expansion of existing schools will be investigated in the first instance, prior to considering the introduction of new provision.

9.5 To facilitate the development of appropriate and transparent student pathways within the city's special school estate, it is recommended that special school age ranges are consistently aligned to standard mainstream transition points i.e. nursery, primary, secondary and post 16.

To promote the development of choice in the special school estate it is recommended that the development of both all-through special school provision and primary and secondary phase special school provision is explored.

9.6 In certain circumstances, the Council will consider the discontinuance of maintained special school provision. We will consider this if a school meets two or more of the below criteria:

- The school is judged Inadequate by Ofsted.
- The performance of students in the school is unacceptably low.
- The school has a significant number of surplus places.
- There are significant suitability issues in respect of the school's accommodation/site.
- Closure could be effected without denying existing students access to appropriate alternative educational provision.

9.7 Commissioning Priorities: In accordance with this policy and to effectively meet community needs moving forwards, the City of Wolverhampton Council will:

- Explore potential opportunities to amend the age ranges of existing special school provision to enable timely access to provision and reduce transitions experienced by students with SEND.
- Commission additional capacity with the city's special school estate to cater for the anticipated increase in demand in the short to medium term.



## **10.0 Alternative Provision and Pupil Referral Units**

- 10.1 Alternative provision is recognised by the Department for Education as, "...education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour." (DfE 2013).
- 10.2 The City of Wolverhampton Council recognises the practical benefits of developing a broader range of pupil referral units/alternative provision which offer specialisms and provide commissioners and families with greater choice from a range of local provision.
- 10.3 There are currently four pupil referral units in Wolverhampton; the City of Wolverhampton Council recognises the invaluable support that local Pupil Referral Units provide to vulnerable students.
- 10.4 Places in pupil referral units are commissioned on an annual basis in accordance with the annual high needs place commissioning process. This policy requires that admissions into pupil referral units are informed by clear and transparent admissions policies which support timely access to provision and promote student reintegration.
- 10.5 It is recommended that pupil referral units in the city should not exceed 120 FTE places; the City of Wolverhampton Council recognises the value of both a personal ethos and appropriate staff to pupil ratios within pupil referral units.
- 10.6 It is recommended that the age ranges of pupil referral units in Wolverhampton are consistently aligned to standard mainstream transition points i.e. primary and secondary.
- 10.7 It is recommended that local pupil referral units should provide distinct provision for students with mental and physical health difficulties and students with behavioural, emotional and social difficulties and that, where appropriate, opportunities to house distinct provision on separate sites are explored.
- 10.8 In certain circumstances, the Council will consider the discontinuance of maintained pupil referral units. We will consider this if a pupil referral unit (PRU) meets two or more of the below criteria:
- The PRU is judged Inadequate by Ofsted.
  - The performance of students in the PRU is unacceptably low.
  - The PRU has a significant number of surplus places.
  - There are significant suitability issues in respect of the PRU's accommodation/site.
  - Closure could be effected without denying existing students access to appropriate alternative educational provision.
- 10.9 Commissioning Priorities: In accordance with this policy and to effectively meet community needs moving forwards, the City of Wolverhampton Council will:
- Explore opportunities to house distinct PRU provision on separate sites.
  - Explore opportunities to commission a broader range of local alternative provision

## **11.0 Post 19 Educational Provision for Young People with SEND**

- 11.1 To enable young people with SEND to effectively complete and consolidate their education and be better prepared for adulthood, the Department for Education requires local authorities to clearly set out what is normally available for 19- to 25-year-olds with SEND to ensure educational and training needs are met, regardless of whether they have an EHC plan.
- 11.2 Students aged 19 to 25 with EHC plans who are continuing in education may have a range of options, including attending:
- further education
  - training
  - a supported internship
  - an apprenticeship
- 11.3 Wolverhampton's offer is available here:  
[http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/localoffer.page?localofferchannel=7\\_4](http://win.wolverhampton.gov.uk/kb5/wolverhampton/directory/localoffer.page?localofferchannel=7_4)
- 11.4 It is recommended that young people with SEND in Wolverhampton are provided with a choice of appropriate high-quality provision from a diverse range of local post 19 educational providers.
- 11.5 Commissioning Priorities: In accordance with this policy and to effectively meet community needs moving forwards, the City of Wolverhampton Council will prioritise the development of a broader local provision offer for young people aged 19+ with SEND.

## **12.0 Regional Commissioning**

- 12.1 To promote the effective use of scarce resources and for the benefit of children and young people with SEND, this policy promotes the opportunity for the City of Wolverhampton Council to work closely with neighbouring local authorities when commissioning provision for students with SEND.