

Technical Appendix 4: Education – Special Schools and Specialist Provision

1.0 Service overview

1.1 The county council has a duty to promote high standards of education, fair access to education and a general duty to secure the sufficiency of school places. It must consider the need to secure provision for children with Special Educational Needs and Disabilities, including the duty to respond to parents' representations about school provision.

1.2 Special Educational Needs and Disabilities (SEND)

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child or young person has a learning difficulty or disability if he or she:

- *Has a significantly greater difficulty in learning than the majority of others of the same age, or*
- *Has a disability which prevents or hinders him or her from making use of the facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 provisions*
- *For children aged 2 or more, special educational provision is educational provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post 16 institutions or be relevant early years providers. For a child under 2 years of age, special educational provision means educational provision of any kind.*

SEND Code of Practice (2015)

1.3 There are four broad areas of SEND, although many children and young people have needs that cut across more than one of the following areas of need:

- Communication and interaction
- Cognition and Learning
- Social, Emotional and Mental Health Difficulties
- Sensory and/or physical needs

1.4 Children in Hertfordshire with SEND have their needs met within a range of inclusive provision. The majority of children will be accommodated within mainstream schools with additional support. However, some children will need intensive support in a smaller environment and will be supported at specialist provision including for example specialist resource provision (SRP),

Alternative Provision (AP), Education Support Centres (ESCs) and Primary Support Bases (PSBs). Others will need a special school place.

- 1.5 More information on the county council's SEND strategy can be found on our website at: www.hertfordshire.gov.uk/SEND

2.0 Assessing need and calculating contributions

- 2.1 Hertfordshire has developed a short-term forecasting methodology for special schools based on historical analysis of placements and demand. Where it can be demonstrated that existing capacity is unable to mitigate the impact of development, the county council will seek to secure obligations to create additional provision, whether through the expansion of existing or the creation of new provision.
- 2.2 Department for Education (DfE) guidance¹ states that it is reasonable and fair to seek developer contributions for SEND provision in direct proportion to the needs arising from a housing development related to pupils requiring provision in a special school, a specialist provision in a mainstream school, an ESC or other alternative provision.
- 2.3 The potential SEND pupil yield from an individual development site is assessed using a SEND education model, which projects the average number of children needing specialist provision that may emerge from different types of dwellings over time. This provides an assessment of the planning obligations necessary to mitigate the impact of a development site. The model is based on observed yields from recent new developments in Hertfordshire, which have been assessed as part of emerging data from a detailed Pupil Yield Study² (PYS).
- 2.4 The SEND education model does not include potential pupil yield from those SEND pupils who are expected to be accommodated within a mainstream school with additional support. An allowance for these pupils is included in the pupil yield calculations for, and contributions sought towards, mainstream education.

Per-Place Cost Calculations

- 2.5 In line with DfE guidance, the cost of SEND specialist provision places are, for the majority of projects, four times the national average cost for the relevant phase (i.e. primary or secondary) published by the DfE in the local authority school place scorecards, regionally adjusted for Hertfordshire. Nursery places are sought at the same per-place cost as primary places, while contributions towards 16-19 provision are sought at the same rate as secondary places.
- 2.6 These per-place costs are combined with development-specific pupil projections from the model, to ensure that obligations sought are fair and reasonable, based on the number and type of units on an individual site. However, where it can be evidenced that the cost to deliver the project is in excess of funds to be achieved through the application of these charges (such as might be the case for projects with abnormal costs due to planning, highways or construction limitations), then the full cost of providing the new school or expanding the existing school and/or purchasing additional land to do so may be sought from the developer.

Indicative Education Contributions

¹ DfE - Securing developer contributions for education (April 2019)

² Further information regarding the PYS is available on the county council's website.

- 2.7 The following tables show indicative contributions for a new build project, by dwelling type³, which might be sought from development sites.

Indicative Cost Tables by Phase of Education

SEND: Primary

	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	All Tenures							
County	£565	£565	£565	£565	£168	£168	£168	£168

SEND: Secondary

	HOUSES				FLATS			
	1 bed	2 bed	3 bed	4+ bed	1 bed	2 bed	3 bed	4+ bed
	All Tenures							
County	£653	£653	£653	£653	£58	£58	£58	£58

- 2.8 All costs shown above are based on 1Q2020 BCIS prices.
- 2.9 The illustrative tables above are included as a guide to help inform viability assessments and financial planning; the actual contribution for each development site will be calculated individually once a planning application has been made. This ensures the amount sought is fair, proportional and aligned with the impact of the specific development.
- 2.10 Both tables shown above relate only to construction⁴ costs and do not make any allowances for purchasing land. Where additional land is required to allow the delivery of a SEND project, the cost (or the relevant proportion of the cost) of acquiring the land will be added to the pupil place-led costs illustrated in the tables above. The tables are based on the cost of providing a new school. Contributions sought towards expansion of existing schools may be lower. Conversely, where abnormal site features or design requirements for a particular project mean that the cost of mitigating development is higher than standard, the amount charged may be increased proportionally.

3.0 Assigning contributions towards projects

- 3.1 Due the specialist nature of Hertfordshire Special Schools and Specialist Provision and the need for them to be of sufficient size to efficiently deliver a broad and specialist personalised curriculum, they draw pupils from beyond their immediate locality. The Department for Education's guidance sets out that travel distances to

³ The indicative costs are not currently weighted according to different tenures and bed-sizes. However, once the PYS is complete this information will be incorporated into the cost table.

⁴ Construction costs include fit out, furniture and equipment and ICT.

special schools and specialist provision should not affect consideration of whether a planning obligation meets the legal tests.

- 3.2 The potential SEND pupil yield for a particular development is not required to be disaggregated between different categories of complex need. The county council may therefore seek to apply the full SEND contribution from a particular development to a single SEND project covering the relevant age range. However, in some cases flexibility will be sought to allow contributions to be appropriately directed to a range of SEND projects.