



Department
for Education

Special Provision Capital Fund Guidance

May 2018

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Summary

The Government's vision for children and young people with special educational needs (SEN) and disabilities is the same as for all children and young people - that they achieve well, and lead happy and fulfilled lives. The Children and Families Act 2014 places important statutory responsibilities on local authorities for supporting children and young people with special educational needs (SEN) and disabilities. This is a vital role that local authorities retain in our increasingly school-led education system and one that requires long-term strategic planning, informed by detailed local knowledge enhanced through consultation with parents and carers, and good relationships with local schools.

Local authorities must ensure there are sufficient good school places for all pupils, including those with SEN and disabilities. In March 2017, the Government committed £215 million of capital funding to help local authorities create new school places and improve existing facilities for children and young people with SEN and disabilities, in consultation with parents and providers. In May 2018, we announced a £50 million increase to this fund to local authorities, taking the total investment in this fund to £265 million.¹ This capital funding is not ring-fenced and local authorities can use it as they see fit to improve special provision for children and young people with education, health and care (EHC) plans. This funding can be invested in mainstream schools and academies, special units, special schools and academies, early years settings, and further education colleges, or to make other provision for children and young people aged from 0 to 25.

This guidance sets out:

- What the fund can be spent on
- How local authorities need to plan and consult to get the best outcomes
- Requirements that local authorities need to meet to receive their allocation

Expiry or review date

This guidance will be reviewed before July 2019.

Who is this publication for?

This guidance is for:

- Local authorities

¹ Individual allocations are published at: <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans>.

- School leaders, school staff and governing bodies in all maintained schools, academies and free schools

What can this funding be spent on?

The £265 million fund is to support local authorities to invest in improving the quality and range of provision for children and young people with SEN and disabilities aged 0-25. It is intended for children and young people with education, health and care plans for whom the local authority is responsible. It is entirely legitimate for the local authority to spend some of the capital funding on provision that happens to lie outside the local authority's boundaries, if the local authority places children and young people there and believes that the capital investment will improve the quality and range of provision available.

Local authorities can invest their share of the special provision capital fund in:

- Creating new (additional) places at good or outstanding provision
- Improving facilities or developing new facilities

This can be through:

- Expansion(s) to existing provision, including at the same site or at a different site.
- Reconfiguring provision to make available space for additional places or facilities.
- Re-purposing areas so that they meet the needs of pupils with special educational needs and disabilities.
- Other capital transactions that result in new (additional) places or improvements to facilities.
- Investing in provision that is located in another local authority where this supports providing good outcomes for children in their area.

Examples include:

- Expand outstanding special provision that helps children attend school in the local area so that children gain independence within their local community.
- Add resourced provision to a successful mainstream school.
- Set up a new learning kitchen to teach pupils the skills they need to be independent in adulthood and skills that can support them in employment.

Local authorities should consider how to invest capital and revenue in a joined-up way to get the most out of each project. Local authorities may also combine their special provision allocation with other capital funding. Groups of local authorities may wish to pool capital resources to develop provision, which can support a wider area.

The funding is for a range of provision types where this benefits children and young people with education, health and care (EHC) plans between 0 and 25. This covers the following provision types:

1 Mainstream school or college including:

- Mainstream school or academy (including free schools, faith schools and grammar schools)
- Further education (FE) college
- Mainstream sixth form college
- University Technical College (UTC) or studio school

2 Special unit or resourced provision, including:

- Special unit / resourced provision at mainstream school or academy (including free schools, faith schools and grammar schools)
- Special unit / resourced provision at mainstream sixth form college
- Special unit / resourced provision at further education (FE) college
- Special unit / resourced provision (other) i.e. at another provision type that caters for children and young people aged between 0-25

3 Special school or academy including:

- Special school (whether maintained or academy, including special free schools)
- Non-maintained special school (NMSS)
- Independent special school
- Special post-16 institution
- Hospital school

4 Pupil referral unit and alternative provision academy

5 Nursery or early years provider including:

- Private, voluntary and independent (PVI) providers
- Nursery school (LA maintained)
- Reception or early years provision within a school or academy

6 Other provision:

- Any other education provision that is attended by pupils who have education, health and care plans and are aged between 0 and 25 and not otherwise covered. Local authorities should provide further details when they publish the template setting out their plans.

Note that when completing the template for publication local authorities should list boarding provision against the relevant provision type and set out in the optional additional information box that this includes boarding provision.

The funding is not intended for:

- Higher education including universities and other higher education provision.
- Any provision for those aged 25 and over.

- Expanding provision specially to create additional places for pupils who do not have education, health and care plans. We recognise that facilities for pupils with EHC plans might bring a wider benefit and help other children.
- Reasonable adjustments that schools are required to fund as part of accessibility requirements. This includes ramps or widening doorways.
- Revenue expenditure such as furniture (chairs, desks), teaching apparatus such as white boards, training or staff costs.
- Individual mobility equipment such as wheelchairs. However, local authorities can spend this funding on capital installations such as ceiling hoists for lifting non-ambulant children into a hydrotherapy pool.
- Maintenance work, which will be covered by Devolved Formula Capital funding or School Condition Allocations.

Planning and consultation for good outcomes

Local authorities need to plan how to invest their allocation and other funding to achieve the best outcomes for children and young people with SEN and disabilities.

Local authorities will need to:

- **Consult with parents and carers.** Effective engagement with parents and carers is crucial in building and implementing a strategy that develops support for changes. This helps local authorities ensure that services will meet the needs of children and families.
- **Consult with schools, FE colleges and other institutions which offer special educational provision.** Local authorities should work with providers to identify how capital investment can best improve the quality of provision available for children and young people with EHC plans.
- **Consider how to invest revenue and capital funding strategically** to maximise the benefit of both in the context of the current infrastructure and programmes. This might include looking at how to expand participation in an existing learning programme by making capital adjustments so that children and young people with SEN and disabilities can also attend.
- **Collaborate with other local authorities** to form partnerships to work effectively across borders.

We allocated £23 million of additional funding to local authorities in 2016-17 to increase capacity to undertake strategic reviews of their special educational provision. Local authorities can use this funding to support them to decide how to invest their allocation from the special provision capital fund. More information about strategic planning is available in the information about the [high needs strategic planning fund](#) and the [high needs funding: operational guide 2018 to 2019](#).

Requirements to meet in order to access funding

We require local authorities to complete and publish a short plan that sets out how they intend to invest their allocation, which is visible to parents, carers and other local groups. The plan for local authorities' SEND capital provision allocations should sit coherently with their wider plan.

Local authorities are required to take the following steps to access their funding.

Before receiving the funding, local authorities need to:

- Consult with parents and carers of children with SEN and disabilities and young people with SEN and disabilities.
- Work with education providers to agree how the capital can best be targeted.
- Fill in the short plan template², confirming that the requirement to consult with parents, carers and young people has been met, and including information about the other groups that they have consulted.
- Publish that plan using the template on their local offer page showing how they plan to invest their funding, before the deadline specified below.
- Note:
 - Where local authorities work collaboratively on projects, these must be listed on each local authorities' plan with an explanation of which other local authorities they have collaborated with and how.
 - Where a project will both create additional places and improve facilities for current and future pupils, local authorities should show on the plan how much funding will be spent on each of the two objectives. This may involve estimating how much of the project's investment would go towards each of these two aims.

To access their share of the original £215m funding LAs needed to have published the template showing their consultation and their plan by 14 March 2018. Where LAs have not yet done so (or have done so in a level of detail that does not yet show how they have consulted and how they plan to invest their funding) they are likely to be paid late, after they have met this condition of grant.

To access their share of the additional £50m, LAs need to update and re-publish the template showing the latest position on their consultation and their plan (eg plans may be more developed; costs might no longer be commercially sensitive, etc), by 29 March 2019. This should cover their plans for the whole amount, not

² The short plan template can be accessed here: <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans>.

just the additional funding. Some LAs will want to do additional consultation in order to decide how best to spend the additional funding (eg if they originally consulted on a small list of projects). But other LAs will already have gathered views on a wide range of capital expenditure projects – if an LA’s full range of projects is already covered by their existing consultation there is no need to re-consult purely for the sake of this publication.

LAs should then update and re-publish the template again in March 2020 and 2021 – eventually showing the full amount spent.

Local authorities **should** e-mail links to published plans when updated to sen.implementation@education.gov.uk.

Local authorities **should not** include costings where this would have a negative commercial impact. Where not all costings are included, local authorities should re-publish the plan as soon as it is no longer commercially sensitive to publish this information.

If you have any queries relating to this guidance, or any other aspect of the Special Provision Capital Fund, please contact sen.implementation@education.gov.uk.

Timeline

By Wednesday 14 March 2018	Local authorities must have published the short plan on their local offer page
Summer 2018	Local authorities that have published the plan and consulted with parents, carers and young people will receive the first tranche of funding
By Friday 29 March 2019	Local authorities must update and republish their plan to show what they have spent on so far, and any changes/updates to their plan or consultation. This should cover as much detail as is known on how they will spend the additional funding.
Summer 2019	Local authorities will receive the second tranche of funding
March 2020	Local authorities should update and republish their plan again
Summer 2020	Local authorities will receive the third tranche of funding
March 2021	Local authorities should update and republish their plan a final time, to show how all money was eventually spent



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