



Department
for Education

Special Provision Capital Fund Guidance

January 2019

Contents

Summary	3
Expiry or review date	3
Who is this publication for?	3
What can this funding be spent on?	4
Planning and consultation for good outcomes	6
Requirements to meet in order to access funding	7
Timeline	8

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 from 2018 to 2021 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 and in December 2018 a further £100 million to local authorities, taking the total investment in this fund to £365 million. Individual allocations are published at: <https://www.gov.uk/government/publications/send-provision-capital-funding-for-pupils-with-ehc-plans>.

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. We expect that local authorities will seek to use this funding in a way that helps them manage the cost pressures on their high needs revenue budgets.

To access the funding local authorities should publish plans on their local offer, updated by March each year, showing what they are planning and how they have consulted – and need to forward a link to the Department for Education so their plan can be reviewed and payment made. Further details are set out below.

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 2020.

Who is this publication for?

This guidance is for:

- Local authorities

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

What can this funding be spent on?

The special provision capital fund will enable 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. We encourage local authorities to spend this funding in ways that both enhance the facilities and number of places available to young people with complex needs, and help the local authority manage pressures on their budgets. 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 funding in a way that ensures that each project contributes effectively to their overall strategy for making special provision that is both suitable and sustainable within the revenue resources available. 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 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

The Children and Families Act 2014 requires local authorities to keep the provision for children and young people with SEN and disabilities under review (including its sufficiency), working with parents, young people, and providers. Local authorities should keep their strategic plans for developing their special educational provision under review, including how to invest their allocation from the special provision capital fund. More information about strategic planning is available in the [high needs funding operational guidance 2019-20](#).

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.

Requirements to meet in order to access funding

Local authorities need to update and re-publish the template ([using the template published on GOV.UK](#)) that sets out their plans to use this capital funding and any additional consultation and engagement they have undertaken or have planned for the future, by **31 May 2019**. This must be published on the Local Offer so that it is visible to parents, carers and other groups. Provided local authorities have met the requirements set out below, we expect to make the 2019-20 payment, including both the additional £150 million and the funding originally allocated for 2019-20, during the summer of 2019.

Since we are allocating a further £150 million for 2019-20, local authorities are likely to need to review their capital plans and consult further with parents and providers on how to use this additional resource (unless their consultation and planning already extended beyond the funding previously allocated). **Payments will not be delayed simply because consultation or planning is not complete by May 2019 for the additional £150m. But they will be delayed if published plans are not updated to show what has evolved since 2018, or do not set out possibilities being considered for the £150 million, or how consultation will be done.**

The plan for local authorities' SEND capital provision allocations should sit coherently with their wider plan.

Many of the plans published in 2018 set out the local authority's intentions, without specifying details. For example, the number of places to be created or improved may have been estimated; a new special unit or resourced provision may have been proposed without specifying a host school; or capital costs may have been redacted as commercially sensitive information pending a tender process. Local authorities will therefore need to review, update and re-publish the template showing the latest position on their consultation and their 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 – including the local authority's share of the additional £150m – can best be targeted.
- Fill in the short plan [template](#), 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.
- Update the plan published on their local offer page showing how they plan to invest their funding, including the local authority's share of the additional £150m.
- E-mail sen.implementation@education.gov.uk with a link to their updated plan when it is published.
- Note:
 - Where local authorities work collaboratively on projects, these must be listed on each local authority's 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.

Provided local authorities have met the requirements set out here, we expect to make the 2019-20 payment during the summer. This will include the additional £150m announced recently in addition to the funding originally allocated for 2019-20. If a local authority is unable to meet the requirements in the timescales set out here, we will seek further information on their consultation and plans so that we can provide their 2019-20 funding in a timely manner.

In some cases local authorities' planning and consultation was not sufficiently advanced to enable them to receive the funding allocated for 2018-19. For these local authorities, the 2018-19 funding will be rolled into their 2019-20 allocation and paid once the material the local authority publishes meets the requirements described here.

Local authorities will need to update and re-publish the template again in 2020 and 2021 – eventually showing the full amount spent.

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

Timeline

Local authorities **will not** lose their 2019-20 funding if their plans are published late or do not meet requirements. Their funding will simply be released at a later time, once we have ensured that the requirements have been met. Where a local authority is not granted their allocation instalment within the intended financial year, their instalment will be added to the instalment they have been allocated for the following financial year.

By Friday 31 May 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. LAs need to e-mail links to published plans when updated to the sen.implementation@education.gov.uk.
Summer 2019	If plans meet requirements, local authorities will receive the second tranche of funding.
March 2020	Local authorities should update and republish their plans 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.

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.



Department
for Education

© Crown copyright 2019

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3

email psi@nationalarchives.gsi.gov.uk

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Reference: DFE-00163-2018



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk