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# **Expansion of Specialist Provision – DSP Phase 2**

Executive Decision

Decision to be taken by: City Mayor

Decision to be taken on: 12 March 2025

Lead director/officer: Sophie Maltby

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### Useful information

- Ward(s) affected: Beaumont Leys; Braunstone Park & Rowley Fields; Eyres Monsell; North Evington; Rushey Mead; Spinney Hills; Thurncourt; Troon; Westcotes.
- Report author: Michael Wilsher, Head of Education Sufficiency and Admissions
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- Report version number: 1.0

## 1. Summary

1.1 An Executive decision was made on 11/02/2022 to begin the DSP (Designated Specialist Provisions) Phase 2 programme. This programme involves the development of approximately 150 additional DSP placements for children and young people with Special Educational Needs and Disabilities (SEND) in the city and provide any necessary developments to long standing DSPs over the next 3 years and at a cost of £2.5M. DSPs are specially resourced provisions in mainstream schools.

1.2 The programme is being undertaken over a 3-year period, with projected completion at the end of the financial year 2024/25.

1.4 On 2<sup>nd</sup> March 2023 approval was granted for the release of £750,000 to create 30 DSP placements, 10x at Shenton Primary and 10x at Spinney Hill Primary. Also, to create permanent accommodation for the existing DSP at Babington Academy.

1.5 This report seeks approval for the release of a further £1.75m from the Capital Programme Policy provision for new school places, to develop a 20 place DSP at Rushey Mead Academy; a 20 place DSP at City of Leicester; a 20 place DSP at Lancaster Academy; a 16 place DSP Unit at Willowbank Hospital School and a 10 place SEND Unit at Imperial Avenue Infant school. Once these provisions are agreed this will have accomplished the DSP Phase 2 programme goal by creating a total of 150 additional DSP places by the anticipated schedule of September 2025.

## 2. Recommended actions/decision

2.1 To approve the release of £1.75m from the New Schools Places Policy Provision, to create 72 new DSP Placements (at Rushey Mead Academy; City of Leicester; Lancaster Academy; and Willowbank Hospital School) and create 10 places for a SEND Unit at Imperial Avenue Infant School.

## 3. Scrutiny / stakeholder engagement

None currently.

## 4. Background and options with supporting evidence

### 4.1 Background

DSPs are a model for offering a specialist provision within a mainstream school, which allows pupils with SEND, who have additional needs which would normally be beyond the capacity of the mainstream environment, to have those needs met whilst still being able to access a mainstream curriculum. The funding from this project has been used to provide physical capacity through either new physical accommodation;

Temporary Modular Buildings; or refurbishment and adaptation of existing school buildings to provide suitable accommodation for specialist teaching. Teaching and resources have been funded through the high needs budget.

The intention of a DSP is that pupils will still access a significant number of mainstream lessons but have the support of the DSP for certain aspects of their learning and for other needs. Many children with special needs can be successfully included into a mainstream school. Maintaining a place in a mainstream setting gives access to a broader curriculum for pupils with SEND and attainments are typically higher for pupils where this is an option. In addition, educating pupils with SEND alongside their peers in mainstream has significant benefits both for the pupils with SEND, who have access to the wider social life of the school, but also for the wider school community as it creates a more diverse and inclusive culture. We want our schools to be effective so that pupils learn and achieve but we also want them to be inclusive so that where possible pupils with SEND can learn with their peers; the DSP provision supports both goals.

Without DSPs as a choice, the only viable alternative, for many children and young people with SEND, is a move to a special school with a greater degree of specialism and intensity of provision than is needed. These provisions will allow children to still be included in a mainstream setting, in their local community and not have to travel considerable distances to school. A DSP also provides an efficient use of high needs funding to meet the pupils' needs than a specialist provision.

#### **4.2 Demand for Designated Specialist Provision**

Pupil place planning forecasts have been completed for SEND and submitted to the DfE as part of the statutory School Capacity Return (SCAP) submitted annually in July. This data clearly demonstrates an increased need for DSP placements within the city, as the percentage of Resource Allocation Panel (RAP) decisions naming DSPs has risen from 7.4% in 2019 to 16.42% in 2023. This data indicated that even after opening all planned new DSPs by the end of the academic year 2024/25 there would be a gap in provision of around 120 placements, rising to a forecasted gap of 496 by 2030/31.

#### **4.3 Delivery of the DSP Phase 2 Programme**

An Executive decision was made on 11/02/2022 to begin the DSP Phase 2 programme. This programme involves the development of approximately 150 additional DSP placements for children and young people with Special Educational Needs and Disabilities (SEND) in the city and provide any necessary developments to long standing DSPs over the next 3 years and at a cost of £2.5m.

DSP Phase 2 Programme began in Spring 2022. Through the release for £750k from the New Schools Places Policy Provision, 10 places have been created at Stokes Wood Primary, 5 additional places at Thurnby Mead (Hearing Impairment) and 30 additional placements have been created at Fullhurst DSP. Places opened as of September 2022. A further 20 places at Spinney Hill Primary (Sept 23) and Shenton Primary (January 24). This has created 65 of the planned 150 places under Phase 2. In addition to the expansion of places, permanent dedicated accommodation for the 30 place DSP at Babington Academy has been built.

The DSP programme has already been successful and well received by schools and families. Those of our schools who have had recent Ofsted inspections have reported

that their DSPs were received very positively by the inspectors (Imperial Avenue, King Richard III, Fullhurst, Stokeswood and Willowbrook Mead). It is a strategically important aspect of SEND transformation over the next few years linking to placement sufficiency, providing a continuum of education provision, inclusive practice in mainstream schools, attainment and improving outcomes for young people with special education needs and disabilities. To ensure the sufficiency of places for SEND pupils the executive is asked to approve the continuation of funding for the DSP Phase 2 programme.

#### **4.4 Delivery of the remaining DSP Phase 2 programme**

To ensure the sufficiency of SEND places the executive is asked to release the remaining £1.75m from the capital programme New School Places to develop 20 places for Communication and Interaction DSP at Rushey Mead Academy; 16 places for a Communication and Interaction / Social Emotional Mental Health Unit specifically for a cohort of young people who exhibit high levels of anxiety at Willowbank Hospital school; and a 10 place SEND Unit at Imperial Avenue to create a pilot programme to support complex pupils within a mainstream school setting.

These projects would provide an additional 46 specialist places, totalling 115 of the planned 150 Phase 2 programme places.

#### **4.5 Need for Secondary DSP Provision**

Due to the expansion of primary DSPs there are greater number of pupils requiring a DSP placement for transition to secondary school. For the academic year 2024/25 there are 22 secondary aged pupils already on the waiting list for a secondary place at one of current DSPs. By 2025/26 this number will rise to 37. Therefore a 20 place provision at Rushey Mead Academy will support the demand for SEND places in the secondary phase.

Our aspiration is for children and young people to be educated in their local community where possible, thus further SEND pupil place forecasting has been undertaken analysing geographical locations, Key Stages and category of SEND needs. This data shows there are gaps in provision in the East and South of the city and in provision for secondary age pupils. Expressions of Interest have been received from The City of Leicester College (East) and Lancaster Academy (South) to create 40 DSP places (20 at each of these sites) at a total estimated cost of £600k.

#### **4.6 Provision for Pupils with Very High Anxiety**

The LA have experienced an increase in demand for pupils who have special educational needs which predominantly presented as very high levels of anxiety with associated barriers to learning; for example, emotionally-based school absence, low resilience, low self-esteem and difficulties with social interactions.

In 2021/22 there were 8 pupils with high anxiety needs in Key Stage 4 who accessed independent specialist provisions outside of Leicester City because this provision was not available within the city. In the academic year 2023/24 this number had grown to 14, with a further 6 pupils going through Statutory Assessment where professionals identified them as meeting the criteria above. The cost of independent placements ranges from £50k-£80k per pupil each academic year. Therefore, the 16 place provision planned at Willow Brook would help by providing a specialist quality provision in the city reducing costs for provision and transport, compared to an

independent specialist provision outside of the city (16 places in independent could start from £0.8m per academic year).

#### **4.7 SEND Unit**

25% of the current Special School waiting list consists of pupils in Key Stage 1, driving a need to support those pupils within their mainstream setting. A pilot programme to build a SEND Unit within a mainstream school at Imperial Avenue Infant School which will create more specialist environment for those pupils on the waiting list, to receive an education in a setting that is best suited to meeting their needs, whilst maintaining them in a mainstream school.

#### **4.8 Recommendation**

It is recommended that the remaining £1.75m is released from the New Schools Places Policy Provision to allow the remaining DSP and specialist places to be provided.

This funding will create additional SEND places at:

- Rushey Mead Academy
- Lancaster Academy
- City of Leicester Community College
- Imperial Avenue
- Willow Bank

Due to the time required from agreement to open a DSP provision to the physical opening is currently averaging 12 months (although this is variable dependant on the amount of capital work required). Therefore, approval for the release of the remaining funding is essential to start the remaining development work to deliver on new DSPs and provisions as soon as possible. A delay in opening new DSP provisions will impact upon Special School places in the city and cause added pressure for mainstream schools who will often need to continue support children and young people whilst they await appropriate placements.

### **5. Financial, legal, equalities, climate emergency and other implications**

#### **5.1 Financial implications**

The report proposes to commit £1.75m for the expansion of dedicated specialist provision from the capital programme Policy Provision for New School Places. This would fully utilise the amount set aside for DSP's.

If these places are not created from the funding available, based on the demand, there would be a revenue budget impact of £2.92m based on 40 additional placements in Independent Non-Maintained Special Schools at an average rate of £73k per annum each. The recommended option seeks to avoid this cost.

The DfE formula funding allocation is calculated on a lagged basis, and falls significantly short of a special school or DSP placement cost or for that matter the cost of support that is provided to pupils who remain in the mainstream setting.

Signed: Kirsty Cowell, Head of Finance (Strategy); Mohamed Irfan, Head of Finance (Social Care, Education and Public Health)
Dated: 18 February 2025

## 5.2 Legal implications

### **Commercial Legal:**

All works should be procured in line with the procurement rules and legal and procurement services should be engaged as early as possible in relation to any projects.

The Constitution reserves key decisions, included significant spend of above £500,000.00 to the City Mayor (and where relevant delegated onwards by the CM Scheme of Delegation).

Signed: Mannah Begum, Principal Lawyer, Commercial Legal, Ext 1423
Dated: 11 December 2024

### **Education Legal:**

Pursuant to Sections 13 and 14 of the Education Act 1996, the Local Authority has the legal responsibility to ensure that there are sufficient school places within the local area, including places that are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

The report seeks to create additional places at various schools and to establish a new DSP a one school. Consideration should be given to whether the proposals could constitute a prescribed alteration. For the council, this will only be relevant to those schools in the report that are maintained by the local authority. The relevant legal framework is contained in Chapter II, Part II of the School Standards and Framework Act 1998 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. This is supported by the statutory guidance Making significant changes ('prescribed alterations') to maintained schools.

If the Regulations do apply, a statutory process of consultation (which includes a period of formal representation of at least 4 weeks) will be required.

It is recommended that further legal advice is obtained in this regard.

Signed: Julia Slipper, Principal Lawyer (Education & Employment), ext 6855
Dated: 13 December 2024

## 5.3 Equalities implications

Schools are covered under Part 6 of the Equality Act 2010. Schools must not discriminate against a child by not offering a place or by only offering a place under specific terms and conditions. They must ensure that the child has full access to education, facilities and services. They must not subject 'the pupil to any (other) detriment' which means they must not subject the child to any form of disadvantage.

Schools and education authorities have a duty to provide reasonable adjustments for disabled pupils. Under the Equality Act 2010 (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their

functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Equality covers all aspects of school life enjoyed by children – teaching and learning, special educational needs and disabilities can affect a child or young person's ability to learn.

The report seeks approval for the release of £1.75m from the New Schools Places Policy Provision, to create 72 new DSP Placements, if the proposal is agreed it will lead to a positive impact for children from across a range of protected characteristics across the city.

As the proposal is focused on the council's school expansion programme to create extra permanent SEND placements to meet projected demand for children and young people with SEND need, the protected characteristic of disability is highly relevant to the proposal however other protected characteristics should also be considered to ensure that there are no unintended disproportionate impacts, or if disproportionate impacts are identified, they are appropriately mitigated. Pupils with SEND are individuals, and their special educational needs or disability may affect them in different ways depending on them as individuals and the context in which they are living and being educated. These provisions will allow children to still be included a mainstream setting, in their local community and not have to travel considerable distances to school.

Signed: Equalities Officer, Surinder Singh, Ext 37 4148

Dated: 10 December 2024

#### 5.4 Climate Emergency implications

Schools are a significant sources of greenhouse gas emissions in Leicester. Following the city council's declaration of a Climate Emergency, and its ambition to achieve carbon neutrality, addressing these emissions is a part of the council's efforts in meeting this aim. This is particularly important in projects where it has the greatest influence and can engage with partners to ensure that highest possible standards of energy efficiency and carbon reduction are achieved.

Where the development of new DSP provision leads to the refurbishment of existing buildings, or the development of new buildings, consideration should be given to all relevant measures to increase energy efficiency and reduce emissions. This could include the installation of high-performing insulation, energy efficient heating, low energy lighting and low carbon/renewable energy systems such as solar PV panels and heat pumps. These measures should also reduce energy bills and improve the level of comfort for occupants.

Signed: Aidan Davis, Sustainability Officer, Ext 37 2284

Dated: 11 December 2024

#### 5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

**6. Background information and other papers:**

**7. Summary of appendices:**

**8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

**9. Is this a “key decision”? If so, why?**

Yes, this relates to the [Increasing the Number of School Placements for Children with Special Educational Needs - Designated Specialist Provisions \(DSPS\)](#)