

Record of Officer Decision

Allocation of Higher Needs Provision Capital Allocation 2025/26

Decision Taker and Date Decision Taken:

Director of Children's Services, in consultation with Strategic Head of Education and SEND and Head of Education, on 13 August 2025

Summary of Matter or Issue Requiring Decision:

Approval to allocate £100,000 capital funding to Brunel Academy to enable the development of space at Oldway Primary School for Brunel's Prosper Group. This provision is part of Children's Services Torbay SEND Strategy.

The Council has received Higher Needs Provision Capital Allocations (HNCPA) directly from central government specifically for special educational provision within Torbay.

HNCPA is allocated to Local Authorities (LAs) proportionally, based on the estimated share of future growth in the children and young people in each LA who may require High Needs provision as a percentage of the national total.

Decision Taken:

That the allocation of £100,000 from the Local Authority's Higher Needs Provision Capital Allocations (HNCPA) be approved for the implementation of the project for Brunel Academy to support the implementation of the Children's Services Torbay Special Educational Needs and Disability (SEND) Strategy.

Summary of Reason(s) for Decision Taken:

- The Local Authority (LA) has a balance of almost £2m uncommitted in its HNCPA allocation.
- The Education Act 1996 sets out a statutory duty on LAs to secure sufficient school places, which they must do with regard to securing special educational provision for children and young people with special educational needs and disabilities (SEND) as well as those requiring Alternative Provision (AP).
- The Children and Families Act 2014 places important statutory responsibilities on LAs for supporting children and young people with SEND, including keeping the sufficiency of educational provision for them under review.
- To meet the capital costs associated with the provision of new places or improvement of existing provision for:
 - Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP.
 - Pupils who require alternative provision (including children in AP settings without an EHCP).
- To mitigate against the ongoing costs and the needs of children and young people with EHCPs, SEND or requiring Alternative Provision.

Summary of Alternatives or Options considered and rejected and Background Papers:

Not proceeding – the LA has a statutory duty as the responsible body to secure sufficient

school places, which they must do with regard to securing special educational provision for children and young people with SEND as well as those requiring Alternative Provision.

There is not an option to spend this funding on any other Council priorities; the funding is ring fenced specially for developing SEND provision. If the funding is not utilised by the LA or is spent in a manner that does not meet the terms and conditions of the allocation, it would be clawed back by central Government.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None.

Implementation:

August 2025 – September 2025

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: 13 August 2025
Director of Children's Services