	Officer Key Decision
	Report from the Corporate Director of Children, Young People and Community Development
	Lead Cabinet Member Children's Services, Employment & Climate Action

HIGH NEEDS PROVISION CAPITAL ALLOCATION MEMORANDUM OF UNDERSTANDING

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	Appendix 1 – Memorandum of Understanding Appendix 2 – Grant Conditions
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Neil Martin Head of Capital Delivery neil.martin@brent.gov.uk

1.0 Executive Summary

1.1. The purpose of this report is to approve the entry into the memorandum of understanding (MOU) and associated grant conditions between the Department for Education (DfE) and the council regarding the high needs provision capital allocation provided by the DfE to the council.

1.2 The purpose of the MOU is to ensure effective planning and delivery of school places through efficient capital investment.

2.0 Recommendation(s)

The Corporate Director, Children, Young People and Community Development is requested to:

2.1 Approve the entering into of the memorandum of understanding and associated grant conditions with the Department for Education regarding the £6,075,888.22 2026/27 high needs provision capital allocation provided by the DfE to the council.

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

3.1.1 The council's investment in SEND provision supports the Borough Plan Strategic Priority 4: The Best Start in Life. By ensuring there are sufficient, suitable SEND school places for children and young people in Brent, the local authority is meeting its statutory obligations and supporting every child and young person to access high quality education locally to them in the borough.

3.1.2 The capital investment also supports the Brent School Place Planning Strategy 2024-2028 and its November 2025 refresh, which presents the objectives and operating principles to underpin the Council's approach to school organisation over four years.

3.1.3 The SEND Phase I Capital Programme approved by Cabinet in January 2022 will deliver 382 new SEND places and SEND Phase II approved by Cabinet in January 2026 approved a further 212 places.

3.2 Background

3.2.1 Local authorities have a statutory responsibility to ensure to keep the provision for children and young people with special educational needs and disabilities (SEND) under review (including its sufficiency), working with parents, young people, and providers, as set out in the Children and Families Act 2014.

3.2.2 The DfE provides high needs provision capital allocations to local authorities to support them to meet that statutory responsibility. The funding is provided under section 31 of the Local Government Act 2003. The funding is not ringfenced, nor is it time bound, however it can only be used for capital purposes and therefore cannot be used for revenue expenditure of any kind, such as training or staff costs. Grant conditions are set out in full in the published Grant Determination document available at High needs provision capital allocations - GOV.UK.

3.2.3 The MOU formalises the partnership between the DfE and the council, to facilitate the efficient use of high needs provision capital allocations**.** The MOU does not supersede or alter statutory duties. The MOU is provided in Appendix 1 and the grant conditions in Appendix 2.

3.2.4 The MOU is for the high needs provision capital allocation for the financial year 2026/27. The MOU will be updated annually, in advance of payments being issued for the financial year in question.

3.2.5 The School Place Planning Strategy 2024 – 2028 (refreshed annually) sets out the council's approach to school organisation over the four-year period. This strategy includes the council's SEND needs.

3.2.6 The council has set out its approach to utilising the funding for meeting the council's SEND need via the SEND Capital Programme Phase I (approved by Cabinet in January 2022) and the SEND Capital Programme Phase II (approved by Cabinet in January 2026).

4.0 Stakeholder and ward member consultation and engagement

4.1 The Lead Member for Children's Services, Employment & Climate Action has been consulted on the drafting of this report.

5.0 Financial Considerations

5.1 Capital considerations were set out in the January 2022 and January 2026 Cabinet reports for SEND Phase I and SEND Phase II, respectively. Both programmes are being funded or part funded through the High Needs Capital Allocations provided to the council by the DfE.

5.2 Since 2021/22, the council has been provided £29,151,552.40 inclusive of the £6,075,888.22 for 2026/27 that the MOU relates to.

5.3 The Corporate Director, Finance and Resources has confirmed approval to enter into the grant agreement.

6.0 Legal Considerations

6.1 Under the Children and Families Act 2014, local authorities in England have strict statutory duties to support children and young people with Special Educational Needs and Disabilities (SEND)

6.2 The Corporate Director, Children, Young People and Community Development has the power to enter into grant funding agreements in accordance with Part 3, Paras 9.5 and 9.7 of the constitution and Financial Regulation 8.2.2 of Part 2 of the Constitution. In doing so, the Corporate Director, Children, Young People and Community Development must ensure that the objectives of the grant are consistent with the Council objectives and priorities in accordance with Financial Regulation 9.1.2.

6.3 As the Council will be an accountable body in respect of grant funding and in accordance with Financial Regulation 9.1.1, the Corporate Director Children, Young People and Community Development must only exercise delegated powers to enter into grant funding arrangements where the Corporate Director Finance and Resources approves entry into such arrangement. The Corporate Director, Finance and Resources has confirmed in the Financial Implications approval to enter into the grant agreement.

6.4. The Council is required to enter into Memorandum of Understanding and associated grant conditions with the DFE which is at Appendix 1. Legal Services have reviewed the MOU and terms of the grant conditions and confirm that it is legally permissible for the Council to enter into the MOU with associated grant conditions.

6.5 As this is an Officer Key Decision the Council must however observe a five clear day call-in period prior to formal entry into the Collaboration Agreement.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

7.1 The equality implications associated with the School Place Planning Strategy 2024-28 were set out in the report to Cabinet to approve the same (November 2023) and updated in the November 2025 refresh approved by Cabinet. This report considers more specifically the demographics around the demand for SEND school places and the options for meeting that demand.

8.0 Climate Change and Environmental Considerations

8.1 There are no direct climate change and environmental considerations from this report but the capital investment that this funding supports will be spent on building improvements and new buildings that will provide opportunities to save carbon.

9.0 Human Resources/Property Considerations (if appropriate)

9.1 None

10.0 Communication Considerations

10.1 None

<u>Report sign off:</u>

Nigel Chapman
Corporate Director of Children, Young People and Community Development

Legal considerations provided by:
Elizabeth Benjamin

Finance considerations provided by:
Oliver Simms