

<b>Report subject</b>	<b>SEND Programme of Expansion - Broadstone Middle School</b>
<b>Meeting date</b>	28 September 2022
<b>Status</b>	Public Report
<b>Executive summary</b>	<p>The number of children and young people assessed as requiring a place at a specialist education provision in the BCP area has increased in recent years and this has increased expenditure on high needs. As part of the Council's strategy to address growth and associated financial pressure, work is underway to implement a programme of expansion of specialist school places across the conurbation which will help provide local access to cost effective places and a reduction in the Council's reliance on costly independent placements. As one in a number of schemes currently in development, it is planned that Broadstone Middle School run by the Castleman Academy Trust will expand the existing resource base to provide an additional eight resource base places for children with autism spectrum condition (ASC). The proposal is for the expansion of the existing resource base known locally as The Link, from 15 places to 23 places from September 2022.</p> <p>This the recommended option and for which an approval for a budget as contained in Appendix 1 (Exempt) is necessary to provide an additional 8 places from September 2022. A temporary change in age range will provide continuity for existing children on roll. From September 2023/24 the resource base will offer a total of 23 places for children aged 9-13 years old. The approved capital programme includes funding for the proposed scheme as part of a programme of SEND place expansion.</p>
<b>Recommendations</b>	<p><b>It is RECOMMENDED that Cabinet:</b></p> <p>Approve the capital budget as set out in Appendix 1 (Exempt) to expand the existing resource base provision at Broadstone Middle School. The funding will provide a new Learning Resource Centre co-located on the existing school site.</p>
<b>Reason for recommendations</b>	<p>To review the capital funding necessary to provide eight additional places for pupils with special educational needs and disabilities (SEND) in the local area by expanding the resource base at Broadstone Middle School from 15 places to 23 places from September 2022. The additional places will be accommodated in a new Learning Resource Centre co-located on the existing school site. Places will be allocated by the Council under the SEND code of practice to children with an EHCP with ASC and a secondary need of speech, language and communication needs (SLCN) or social, emotional and mental health (SEMH) needs, specifically school phobia/anxiety. This forms part of the Council's high-profile priority to expand the availability of specialist school places as part of the work necessary to achieve savings as part of the Council's High Needs Block Deficit Recovery plan.</p>

Portfolio Holder(s):	Councillor Nicola Greene Portfolio Holder for Council Priorities and Delivery
Corporate Director	Cathi Hadley, Director of Children's Services
Report Authors	Tanya Smith, Head of Service School Place Planning and Capital
Wards	Broadstone;
Classification	For Decision

## Background

1. BCP Council has high aspirations for children and young people with SEND and is committed to ensuring children and young people experience inclusion in every aspect of their lives.
2. To deliver this vision, the Council agreed [April 2020] to invest an additional £10 million in our schools to ensure that children and young people in BCP have access to quality local specialist places to maximise their learning potential. Residual funds from the SEND Specialist Provision fund 2021/22 further supports the total capital available.
3. Many Councils are struggling to contain high needs expenditure within the dedicated schools grant high needs budget allocated by central government. BCP Council is facing similar challenges and continues to face a funding shortfall. Schools are also concerned that in order to promote inclusion in a mainstream school, an increasing number of children and young people require costly support.
4. **Growth in complex needs/children with SEND:** The number of children and young people assessed as requiring a place at a specialist education provision in the BCP area has increased in recent years. In the last 3 years for example the percentage of the 0-25 age population with an EHCP maintained by the authority increased from 2%, to 2.5%; this compares with 1.7% nationally.
5. **Pressure on High Needs Spending:** Councils across England, including BCP, face increased expenditure on high needs and there is significant pressure to reduce the deficit. As part of the Council's strategy to address these challenges, work is underway to implement a programme of expansion of specialist school places across the conurbation which will help provide local access to cost effective places and a reduction in the Council's reliance on costly independent placements.
6. **Programme of Expansion of Specialist Places:** The programme will increase the availability of places through targeted investment in the school estate designed to promote inclusion and contribute to achievement of SEND revenue savings. For this purpose, the Council invited expressions of interests from primary, secondary and special maintained schools and Academies to establish and create specialist places co-located on existing school sites for children **ASD, SLCN, SEMH**. The development of schemes include the provision of sites and accommodation for new and expanded resource base provision, hosting satellite sites, minor works and adaptations and increasing capacity of existing provisions.
7. It is planned that children will benefit from the mutual learning and interaction opportunities offered by a co-located specialist provision and this helps to support the Council's priority to promote inclusion in mainstream schools and strengthen existing partnerships. Importantly, the increased availability of local quality provision will help children stay connected to their local communities, reduce distances and travel time between home and school and support the Council's efforts to manage demand for travel assistance. It will also develop a wider range of pathways as children transition

from early years to primary through secondary and post 16 provision and into employment for young people, including supported internships. This will help reduce reliance on the independent sector and provide opportunities for future cost avoidance.

8. **Expansion Proposal – Broadstone Middle School, Castleman Academy Trust:** As one in a number of schemes currently in development, it is planned that Broadstone Middle School, run by the Castleman Academy Trust, will expand the existing resource base to provide an additional eight resource base places for children with ASC. The proposal is for the expansion of the existing resource base known locally as The Link, from 15 places to 23 places from September 2022. It is planned that the new timber framed building will be completed in March 2023. The new accommodation will comprise a classroom, peripheral rooms for small group work, ancillary spaces for arrivals, WC and storage. For an interim period of seven months, the resource base will be temporarily located in an adjacent building hosted by the youth club. For this purpose, a close working partnership has been established between the youth club and the school. Importantly, the Executive Headteacher is excited to expand the provision and expressed, *‘we are dedicated to delivering a high quality, safe environment and the interim use of the youth club will play an important role in helping children as they are nurtured through their transition to Year 9 and continue on their journey to achieve optimal educational outcomes at Broadstone Middle School. Building on the students’ achievements, the expanded provision will provide access to a full range of progressive and effective, age-appropriate curriculum opportunities and enable young people to participate in all aspects of school life. As part of a seamless, inclusive, high -quality offer, our Year 9 students will continue to benefit from the full range of facilities/equipment, support and intervention from our passionate and specialist team of inclusion professionals.’*
9. Places will be allocated by the Council under the SEND code of practice to children with an EHCP with ASC and a secondary need of speech, language and communication needs (SLCN) or social, emotional and mental health (SEMH) needs, specifically school phobia/anxiety. In the first year of operation these will be Year 9 pupils, by agreement with the Regional Schools Commissioner. The new accommodation will continue to be used as part of the resourced base permanently.
10. The Castleman Academy Trust is developing the proposals in partnership with BCP Council. The works are being managed by the Trust who are also the responsible body for undertaking the statutory process necessary to achieve a formal legal expansion of the resource base.
11. The facility offers a progression pathway for children entering Year 9 in the 2022/23 academic year. This has necessitated a significant change proposal to change the age range of Broadstone Middle School from 9-13 (Year 5 to Year 8) to 9-14 (Year 5 – Year 9). This is a temporary change in age range for one year only and will mean that the age range reverts back to 9-13 from 2023/24. From 2023/24 onwards the resource base will have the capacity to offer a total of 23 places. Options for the onward pathway of the Year 9 children are being considered. Officers will be identifying long-term options for inclusive provision for pupils in Years 9 and above in north west Poole.
12. The capacity of the school for children placed under the local coordinated admission scheme will remain unchanged with 163 places in year groups 5 and 6 and 180 in Year 7 and Year 8, offering a total of 686 places. The school will remain operational while works take place on site. The age range of Broadstone Middle School will revert to 9-13 years (year 5 to year 8) from 2023/24 onwards.
13. **Business Case:** The proposal including a full business case was evaluated by BCP Council. A business plan has also been considered by the Regional Schools Commissioner as part of the work necessary to agree to a significant change to an open academy.

14. Key features of the business case are as follows:

- Broadstone Middle School operates a successful resourced base for children and young people with ASC.
- The proposal has local support from families/parents/carers
- Consents and permissions have been obtained including full planning permission and approval from the Regional Schools Commissioner (RSC) to a significant change to the school.
- The rationale for the proposal is clear and robust. It is important to note that this area is the only part of BCP operating a three-tier system (first/middle/upper) rather than a two-tier system (primary/secondary). This presents challenges at phase transition points particularly for pupils with special educational needs and disabilities being educated in mainstream schools. This supports the proposal to change the age range of Broadstone Middle School which provide an interim progression pathway for the current Year 8 children on roll and provide continuity of provision as they enter Year 9.
- The RSC and BCP are satisfied that the trust has the capacity to deliver the proposal including appropriate governance, structure, staffing and financial health to ensure that this is sustainable.
- The school is Ofsted judged 'Good' as at 2019
- The locally authority is fully supportive of the proposals set out within the business case and have been working in partnership with the school to develop the scheme.

15. **Robust Project Management Processes:** In line with updated governance arrangements, Children's Services have been working with a construction partner to implement and embed robust project management processes for the development of capital projects. The processes enable for the delivery of schemes to be led and project managed by academy trusts, by the Council or by a third party. In this case, the Broadstone Middle School scheme has been project managed by Castleman Academy Trust as school managed project. This means that BCP's in-house property professionals have been acting in a client liaison capacity to ensure the project is developed to specification and that the appropriate gateways, approvals and project outputs are achieved.

16. **Scheme Outline:** At this stage in the development of the scheme, the most recent Client Project Report includes a report to confirm the following scheme parameters:

- **Feasibility Study:** A feasibility study was completed by construction consultants appointed by the Trust. This has been scrutinised and risks and omissions have been identified by BCP property professionals.
- **Site Investigations:** There is a clear understanding of risks following site surveys and a proportionate level of geotechnical site investigations have been undertaken indicating ground conditions and necessitating an appropriate strategy for the design of the disposal of surface water.
- **Design:** The scheme design is compliant with design specifications set out in the Department for Education's Building Bulletin guidance 104 (BB104). More detailed design information has been developed for tendering and this has been considered prior to circulating invitations to tender.
- **Services:** Strategies are in place for the connection of all services. Connections for alarm, CCTV and ICT systems are proposed to be by way of connection to existing ductways. A positive check has been undertaken to ensure there is sufficient electrical capacity.
- **Planning:** The scheme has full planning approval conditioned to meet a BREEAM 'Good' rating. A BREEAM assessor has been appointed, a BREEAM credits strategy has been developed, necessitating further design input and additional works. The cost implications of suitable BREEAM credits have been included within the project budget.

- **Building Regulations:** The trust is in the process of appointing an Approved Inspector. A plans submission will be made in parallel with the issuing of invitations to tender.
- **Furniture, fixtures and Equipment (FF&E) & IT:** An allowance has been made for FF&E and ICT.
- **Cost estimate/Proposed Scheme Budget:** Based on the client liaison analysis and scrutiny of the project parameters above, it is recommended that the budget for the project as contained in [Exempt] Appendix 1 is approved. Details of the breakdown of costs are shown in the financial implications section of report.
- **Programme:** The programme shows an anticipated handover in March 2023. This means that the new building will not be available for full occupation until late April 2023. Castleman Academy Trust are working in partnership to utilise the adjacent Youth Centre building as an interim base for children during September 2022 – April 2023. Key milestones of project programme are as follows:

#### Key Programme Dates/Activity

Activity	Timescale
Works tender period	15/8/22 – 16/9/22
Works tender submissions assessment and report period	19/9/22 – 23/9/22
Consideration of tender report and recommendation, decisions to fund and to appoint contractor during period	26/9/22 – 30/9/22
Appoint contractor	3/10/22
Construction period	31/10/22 – 24/3/23
Handover	27/3/2023

#### Options Appraisal

17. Alternative options considered include:

- Option 1: The option to assess the scope for the development of specialist school places on alternative local school sites. As part of this programme of expansion, the Council continues to explore options and develop proposals to create provision on other local school sites.
- Option 2: The option to commission new specialist school provision as part of the government's Free School Programme. The Council is also in the process of preparing an application to the DfE for new free school provision. The application deadline for new school proposals is 21 October 2022 and the outcome of the initial application stage is expected to be announced late 2022 to early 2023. For successful applications, proposer groups will submit their applications in February 2023 as part of a competitive process and through the publication of local authority specifications and proposer guidance.
- Option 3: Make no change to existing provision at Broadstone Middle School. Doing nothing is not a suitable option for meeting the Council's High Needs strategy. The proposal to expand the Resource Base at Broadstone Middle School is the only option in this case which achieves a timely progression pathway to enable the current Year 8 children to remain on roll in Year 9. This the recommended option and approval for a budget as set out in [Exempt] Appendix 1 is necessary to provide an additional eight places from September 2022.

#### Summary of financial implications

18. **Capital Cost Estimate:** The pre-tender cost estimate of this scheme is provided in an Exempt Appendix 1.

19. **Capital Funding identified:** It is proposed that the capital project is funded from ringfenced High Needs capital grant funding already received and earmarked to support the Children's Services Capital Programme. The Service is satisfied this project meets grant funding criteria.
20. **Financial risks:** The key financial risk to the project is material price inflation. While tenders will be invited on a fixed price basis, it may be that contractors will insist on some fluctuating price recovery provision. Additionally, construction activity is high and so contractor pricing and mark-up is likely to be higher. For these reasons, a contingency amount – see [Exempt) Appendix 1 has been allowed within estimated construction costs for unknown issues and inflation during the construction period. In addition, as tender returns are not available at the time of this report, a further allowance has been included in the recommended budget to cover market price uncertainties.
21. **VAT implications:** The project is school-managed and therefore Castleman Academy Trust will be awarded grant funding to fund the works including construction costs and associated fees. Funding therefore does not attract VAT. The school will be able to reclaim any VAT incurred on construction costs under section 33B of the VAT Act.
22. **Value for Money assessment:** The cost of the proposed scheme at Broadstone Middle School is well within the DfE benchmark capital cost per place for special educational needs new build projects (National School Delivery Benchmarking Costs May 2021). Further details are provided in Exempt Appendix 1.
23. **Revenue implications:** The revenue costs of running the new provision will be provided by the Council's High Needs Block through BMS's budget share. Revenue costs will be met through a combination of guaranteed place funding through agreed commissioned place numbers and top-up funding paid by the placing LA as outlined in the paragraphs below.
24. **Per Pupil Place Guaranteed Funding Element:** £10,000 per pupil per place commissioned by the Local Authority applied as follows:
  - Existing resource base provision available in 2022/23 providing 15 places for children Years 5- 8 equating to £150k
  - Additional resource base provision available from 2022/23 providing 8 places for Year 9 students equating to £80k
  - A total of 23 places equating to £230k place funding.
25. **Top-Up Funding:** For every child within the resource provisions an additional £10,000 per child is paid.
26. The revenue costs of the resource base are projected to be £230k pupil place guaranteed funding element plus £230k top up fees, equating to £460k annually when operating at full capacity of 23 places.
27. In the case of children placed in BCP who are resident in neighbouring local authority areas, the home authority will contribute to the funding of places in accordance with school funding regulations.
28. Castleman Academy Trust has examined the financial risks associated with the project and confirm they are manageable/sustainable.
29. **Closing Baseline Deficit High Needs Budget – No action:** The baseline closing deficit/surplus balance with no corrective action identifies a significant year on year increase in pressure on the high needs budget. In 2022/23 there is a forecast deficit of £36.2m, rising to £61.5m in 2023/24, £98.7 in 2024/25, £149.2m in 2025/26 and 215m in 2026/27.

30. **Open Deficit/Surplus Balance After Action Taken:** A series of tasks have been identified as necessary to achieve forecasted High Needs savings. Based on the cost between an average INMSS place at £47k and a top end special school place cost of £28k, it is forecast that the additional places provided at Broadstone Middle School could save approximately £19k per place.

### Summary of legal implications

31. **Funding Agreement:** A funding agreement has been drafted by BCP officers and has been agreed in principle by Castleman Academy Trust. The agreement is related primarily to the capital project but references the provision of services which are being covered by a separate service level agreement.
32. The funding agreement sets out the Council's requirements in respect of financial compliance, indemnification, collateral warranties, risk allocation, contract management, insurance and information sharing. It also provides the procedures for collaborative working, dispute and termination.
33. The funding agreement also requires the trust to obtain the Council's prior agreement to undertake the works. This will be in the form of a letter for which a Property Decision Record will be required.
34. **Sufficient Places Duty:** Under sections 13 and 14 of the Education Act 1996, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area and to consider the need to secure provision for children with SEND. This includes a duty to respond to parents' representations about school provision. The local authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient school places in their area and promote diversity and increase parental choice. To discharge this duty the local authority has to undertake a planning function to ensure that the supply of school places balances the demand for them. The Education and Inspections Act 2006 requires local authorities to promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places. Further, the Children and Families Act 2014 requires councils to keep provision for children and young people with SEND under review including its sufficiency.
35. **Statutory Process:** The process for making significant changes to an academy is modelled on the parallel statutory process that local authority-maintained schools are required to follow when making similar changes. The proposal to expand the Resource Base at Broadstone Middle School triggered the requirement for Castleman Academy Trust acting as the responsible body to follow the process contained in the Department for Education guidance Making significant changes to an open academy issued in January 2022. The guidance sets out that where a local authority has instigated a proposed change, academy trusts are still required to go through the significant change process. In accordance with this, the trust submitted a significant change application using the fast-track business case route to increase the age range of the school from 9-13 (Year 5 to Year 8) to 9-14 (Year 5 – Year 9).
36. **Consultation:** As part of the statutory process run by Castleman Academy Trust, parents, local residents and local schools were consulted during the period 12 April 2022 through to 12 May 2022. As part of this process, a response form was provided for comments to be fed-back to the school and the LA. Residents in the locality of the school and parents of pupils currently at the school were made aware of the event and the consultation window through the distribution of letters to parents. Information on the proposed change was made available on school website. The trust received three responses to the consultation which were favourable to the proposal. Importantly, parents of Year 8 children currently on roll have been deeply concerned about their child's education future and express relief that the change of age range for the coming

year will provide continuity of provision and will be significant in ensuring that the progress that their children has made is sustained.

37. BCP Council agrees that the proposals are in line with the needs of the local area and the Trust's application for a significant change was approved by the Regional Schools Commissioner (RSC) in June 2022 as the decision-making body (acting on behalf of the Secretary of State).

### **Summary of human resources implications**

38. There are no direct HR implications arising from this report for BCP.
39. The Castleman has the appropriate expertise and staffing resources in place so that the educational offer for pupils at the centre is tailored to their needs. A business case and associated budget has been developed and considered setting out the detail of the members of staff appointed, their qualifications and experience.

### **Summary of sustainability impact**

40. The works will be delivered in accordance with attainable components of a BREEAM credits strategy and in accordance with the Building Regulations.

### **Summary of public health implications**

41. The expansion of places at Broadstone Middle School promotes the health and wellbeing of children with complex needs. It will improve access to quality local specialist places and provide continuity of provision for the cohort of Year 8 children transitioning to an upper school year group. This will greatly benefit existing children on roll and provides education, health and wellbeing benefits for the children and their families while further promoting inclusion practice for children admitted under the mainstream admission arrangements.

### **Summary of equality implications**

42. Resource base provision is one of the most inclusive models of providing for the needs of children with SEND. The provision of additional special school places within BCP will have a positive impact ensuring children and young people attend local schools within their community. This is evidenced in the BCP developed EIA screening tool which will be considered by the EIA panel in mid-September.
43. Additionally, and as part of the statutory guidance on making a significant change to an open academy, Castleman Academy Trust complied with the Public Sector Equality Duty in s.149 Equality Act 2010 and undertook an equalities impact assessment to demonstrate that they have considered the likely expected impact of the proposed change on all individuals with protected characteristics. This did not identify any potential equality considerations requiring further consideration during implementation.

### **Summary of risk assessment**

44. There is an evident need for special school places within BCP with Broadstone Middle School providing an opportunity to provide a cost-effective solution creating a further eight places. There is a low risk that the places will not be needed for the foreseeable future.

### **Background papers**

- Appreciative Inquiry 2019
- Written Statement of Action 2021
- Cabinet Report February 2021



- Cabinet Report 26 May 2021 SEND Strategy ([Public Pack](#))[Agenda Document for Cabinet, 26/05/2021 10:00 \(bcpcouncil.gov.uk\)](#)
- Cabinet Report SEND Capital Programme 27 October 2021 ([Public Pack](#))[Agenda Document for Cabinet, 27/10/2021 10:00 \(bcpcouncil.gov.uk\)](#)

## **Appendices**

Appendix 1 (Exempt) Cost Plan Estimate of Scheme for Approval