

# CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE



<b>Report subject</b>	<b>SEND Improvement Journey – SEND Expansion of Places</b>
<b>Meeting date</b>	20 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.</p> <p>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 BCP which will help provide local access to cost effective places and a reduction in the Council's reliance on costly independent placements.</p> <p>The Council is developing a range of options to assess the scope for the development of specialist school places on local school sites. A total of 34 expressions of interest were received from a total of 16 trusts/schools with proposals for between 300-500 places. The Council provides details of schemes currently in development across 4 tranches which deliver places in the short, medium and longer term. Options for the delivery of places include:</p> <ul style="list-style-type: none"> <li>• The option to continue to work in partnership with local school leaders to explore options and develop proposals to create provision on other local school sites.</li> <li>• The option to commission new specialist school provision as part of the government's Free School Programme. The Council is in the process of preparing an application to the Department for Education (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.</li> </ul> <p>The option to make no change to existing school provision/maintain the status quo not an option and will fail to make progress in delivering the improvements necessary as contained in the Council's Written Statement of Action.</p>
<b>Recommendations</b>	<p><b>It is RECOMMENDED that Members:</b></p> <p>Note the progress of the programme of expansion</p>
<b>Reason for recommendations</b>	One of the key themes identified in the Council's journey to secure improvement is the <i>SEND Expansion of Places</i> . Working collaboratively with local school leaders, the Council is developing and delivering a programme of expansion which is vital in securing

	and maximising local access to quality, specialist places, alleviate pressure on the high needs budget and improve outcomes for children and young people.
Portfolio Holder(s):	Councillor Nicola Greene Portfolio Holder for Council Priorities and Delivery
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Wards	All Wards
Classification	For Information

## Background

1. BCP Council has high aspirations for children and young people with special educational needs and disabilities (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 2021] 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 of £743k 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. Local special schools are already at capacity and 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 2.3% and 2.5%, this compares with 1.7% nationally.
5. **Type of SEND Need:** This analysis has shown that the most prevalent primary needs across primary and secondary age pupils are in the areas of Autistic Spectrum Condition (ASC), Social, Emotional and Mental Health (SEMH) and Speech, Language and Communication Needs (SLCN). Forecasts suggest that these will continue to increase and will remain the most prevalent needs for some time. Of those currently placed in independent non-maintained special schools (INMSS) at primary, secondary and post 16 the highest number have needs related to ASC.
6. **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 which contributes to the pressure on the high needs budget.

7. **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 with **ASD, SLCN, SEMH** needs. 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.
8. The Council received a total of 34 expressions from a total of 16 trusts/schools/organisations. In total, there are proposals for between 300 -500 specialist places through the creation of satellite and resource base provision and expansions of existing specialist schools (including the Winchelsea satellite proposal at Somerford Primary School). Based on an evaluation of the schemes, the current status of proposals is summarised and categorised across 4+ tranches as follows:

#### Status of Scheme Proposals

Tranche	No. of Schemes	Total no. of Places	Estimated Cost £ 000	Planned (P) Estimated (E) Delivery	Status of schemes
1	4	39 - 41	815	2022/23 (P)	Completion in Sept 22, Oct 22 and March 23
2	3	40	1,400	2023/24-2024/25 (E)	Options appraisal, pre-planning and feasibility
3	2	60-80	6,000	2024/20-2025/26 (E)	Concept, options appraisal
4+	12	224	Not available	2023 – 2026 (E)	Evaluation/Business Plan/Outline concept
	<b>21</b>	<b>374-394</b>	<b>8,215</b>		

9. The remaining schemes include the following:
- 3 schemes where investment may support schools develop their graduated support
  - 8 schemes that do not meet the criteria at this time (accounts for approx. 60 – 80 place)
  - The plans to develop specialist places at Winchelsea Special School and Somerford Primary School will be reported separately and will coincide with the outcome of the Council's nomination for investment under the DfE's Schools Rebuilding Programme. Both schemes benefit from working with our construction partner to create a masterplan of works.
10. A summary overview of schemes for each tranche is set out below with details of specific schemes provided for Tranche 1. First, a brief update is provided below on the work being done to improve project delivery and explain the transformation that is taking place within Children's Services.
11. **Project Delivery and Management:** Following lessons learned on previous projects, 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 process of embedding these is well underway through planned workshops, adopting a dashboard for project reporting, working alongside property professionals who are modelling best practice through the co-delivery of schemes and embedding a

project framework aligned to the Royal Institute of British Architect stages requiring gateway approval at every stage. Thus far, this work has helped improve transparency and accountability though work is ongoing to communicate our expectations and support academy trusts embrace a rigorous approach to risk management. 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 commissioned by BCP. Where schemes are Project Managed by Trusts, 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.

12. **Business Case:** All proposals are evaluated using a Business Case template. Where proposed schemes trigger a significant change to an open Academy, a business case is further considered by the Regional Schools Commissioner for approval. Key features of successful business cases for schemes in Tranche 1 are as follows:

- Clear rationale, details of the change, type of SEND need and impact
- Track record/evidence of working with SEND pupils/inclusion
- Partnership working and local support for the proposal
- School performance/governance
- Curriculum offer that is academically challenging alongside a holistic support package to support pupils in their learning and development.
- Staff running the facility/provision will have substantial experience of successfully supporting the needs of children and young people
- Ease and extent of adaptations needed to develop new and expanded provisions:
- Impact on existing provision/demographics.
- Support preparing for adulthood pathways.

13. **Expansion Proposals – Tranche 1:** In the case of the schemes being developed under Tranche 1, all schemes are school managed. Details of these schemes are set out in the table below.

#### Tranche 1 Schemes

SEND Programme of Expansion	Scheme Planned	Type of Need	Number of Places	Project Cost £ 000	Timescale
Broadstone First School (Year 1)	New resource base in existing school building for one year. Year 2 permanent option being developed	ASC, SEMH	7		Delivery September 2022
Broadstone Middle School (Year 1)	Extended resource base accommodated in adjacent building for 6 months and purpose-built modular classroom March 2023	ASC, SEMH	8		Delivery September 2022
Throop Learning Centre (TLC)	Supported Internships Post 16. 8 places initially increasing to 10	SEMH	8-10		Delivery October 2022
Linwood School	Expansion through internal remodelling	MLD, SLD	14		Delivery Sept 2022
	<b>Totals</b>		<b>37 - 39</b>	<b>800*</b>	

*\*Figures are approximate*

14. A summary position for each of these schemes is presented below.
15. **Broadstone First School, Castleman Academy Trust:** It is planned that Broadstone First School run by the Castleman Academy Trust will establish a new resource base to provide a total of 15 places delivered in two phases and forming projects in both

Tranche 1 and Tranche 2. The first phase provides an interim option to utilise existing classroom space enabling the new provision to open in September 2022 providing 7 places initially. Reflecting that this is not a viable longer-term option, phase 2 comprises a permanent scheme to provide two classrooms and ancillary learning spaces to provide a total of 15 places. Phase 2 is planned to be delivered in Tranche 2 of schemes.

16. **Broadstone Middle School, Castleman Academy Trust:** It is planned that Broadstone Middle School run by the Castleman Academy Trust will expand the existing resource base to provide an additional 8 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. The additional places will be accommodated in a new Learning Resource Centre co-located on the existing school site when the new building is complete. For an interim period of 7 months, the Resource Base will be temporarily located in an adjacent building hosted by the youth club. Places will be allocated by the Council under the SEND code of practice to children with an EHCP with a primary need of ASC and a secondary need of school SLCN/SEMH (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. 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 the north west Poole.
17. **Throop Learning Centre, part of Iford Academy, Ambitions Academies Trust:** it is planned that Ambitions Academy Trust will deliver 8 places for young people with an Education Health and Care Plan to access supported internships at Throop Learning Centre. The proposed scheme is to create a Specialist Post 16 Institution (SPI) for young people aged 16-19 specialised in offering internships within the construction and leisure industries. The scheme provides classroom accommodation and a separate access control. Students will be able to utilise existing toilet facilities within the main building. At the beginning of the course, the provision will provide interns with experience across a number of different job roles, dependent on the size of the organisation and rotation opportunities. Young people will be expected to attend the workplace 2 days a week for the first 3-6 months gradually building to a 4 day a week placement focusing on the job that suits their skillset and aspiration and which could potentially lead to full time paid employment. When students are not in the work-place, they will be class-based, studying for relevant qualifications, such as health and safety certification and preparing for adulthood skills including learning how to job search, handle financial matters and how to secure part time paid work alongside their internship experience. The trust plan to offer a range of qualifications which will include improving literacy and mathematical standards.
18. The trust is not required to go through the Education, Skills and Funding Agency's market entry process to set up the Specialist Post 16 Institution (SPI). Working with BCP the trust agrees to provide places to be commissioned by BCP Council. Ultimately, in this specific SPI example, there is no formal DfE approval process.
19. **Linwood Special School, Maintained Provision:** This project involves remodelling and relocation of some classroom facilities between campus to provide a maximum of 14 places for children with an EHCP. Internal works are taking place in time for additional place provision for the academic year 2022/23. The works are achieved as part of a school managed project and help utilise the space across the Linwood Campuses. The increase in the number of places offered does not meet the thresholds (10% or 20

pupils) that trigger the statutory process for making a prescribed alternation in line with the guidance for making significant changes and alternations for maintained schools (October 2018).

20. **Tranche 2 schemes:** The schemes being developed as part of Tranche 2 and are in the early stages of development and benefit from pre-planning advice to help understand the risks and constraints of the site in planning terms. All three the schemes are School Managed schemes. High level cost estimates are available and indicate project values average of c.£500k per scheme. All costs will require scrutiny and oversight working with a BCP client lead. High level initial project programmes for these schemes indicate delivery of places/completion for 2023/24 and 2024/25 academic years. At the appropriate stage, the client team will seek formal approval to proceed through the project gateways.
21. **Tranche 3 schemes:** The two schemes being developed as part of Tranche 3 are major schemes. In partnership with the respective academy trusts, work is underway to understand the project brief and the feasibility of multiple options culminating in agreement about a control or preferred option. This will provide robust information/ a project profile necessary to seek approval to proceed through a series of project gateways. At this stage in the project a typical project programme would indicate that the delivery of places/completion is likely to be 2024/25 and 2025/26.
22. **Tranche 4 schemes:** The schemes including in Tranche 4+ require further work to assess the robustness of the business case. It is planned and anticipated that as the capacity and expertise of the Children's Service capital commissioning team builds, the pace of progress and delivery of schemes is expected to intensify.

## Options Appraisal

23. All options being developed and delivered 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 work in partnership with local school leaders to explore options and develop proposals to create provision on other local school sites. This remains a viable option for the Council to pursue as part of this programme of expansion.
  - Option 2: The option to commission new specialist school provision as part of the government's Free School Programme. The Council is 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.
24. Maintaining the status quo is not an option and will fail to make progress in delivering the improvements necessary and as contained in the Council's Written Statement of Action.

## Summary of financial implications

25. **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 and Council borrowing of up to £10m as agreed by Council in February 2021.
26. **Property Professional Fees:** In the course of the planning, commissioning development and delivery of capital projects, the appointment of expertise from across

the property disciplines will incur advance design and professional fees. These costs are generally capitalised.

27. **Financial risks:** The key capital financial risks to the delivery of projects concern material price inflation. Additionally, construction activity is high and so contractor pricing and mark-up is likely to be higher. For these reasons, contingency amounts are typically higher and are allowed within estimated construction costs for unknown issues and inflation during the construction period.
28. **VAT implications:** In the case of school managed projects, the school 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.
29. **Value for Money assessment:** The extent to which the programme of expansion achieves value for money is based principally on the national average costs for special school provision estimated by the English Buildings and Development Officers Group (EBDOG) and the DfE. The cost of proposed schemes in Tranche 1 and Tranche 2 are well within the DfE benchmark capital cost per place for special educational needs new build projects (National School Delivery Benchmarking Costs May 2021). Schemes and for delivery as part of later Tranches will be assessed at the right time when details of the brief and scope of the schemes are fixed.
30. **Revenue implications:** The provision of additional SEND places delivered as part of the programme of expansion help achieve cost avoidance to the Dedicated Schools Grant High needs budget. This works by providing families with access to local, quality specialist school places and avoiding the need for placements to more expensive independent provisions.
31. **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.
32. **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 these additional places combined could save £19k per place.

### Summary of legal implications

33. **Funding Agreement:** In the case of school managed projects, funding agreements have been drafted by BCP officers and has been agreed in principle with the relevant schools/trust. The agreement is related primarily to the capital project and 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.
34. The funding agreement also requires schools/trust to obtain the Council's prior agreement to undertake the works. This will be in the form of a letter granting consent.
35. **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.

36. **Provision for children and young People with an EHCP:** There is a statutory obligation to provide for the needs of vulnerable children and young people with an EHCP and provision must be consistent with that which is set out in a child or young person's EHCP. The approved proposals and schemes set out in this report will provide additional pathways for progression tailored to meet the needs of young people.
37. **Statutory Process – Maintained Schools:** The Council has powers under the Education and Inspections Act 2006, section 19(1), to consult on making significant changes to maintained schools in its area. The council has powers under the 'Making significant changes ('prescribed alterations') to maintained schools, statutory guidance for proposers and decision-makers', October 2018, to determine whether proposed changes should be agreed and implemented.
38. **Statutory Process - Academies:** The process for making significant changes to an academy is modelled on the equivalent statutory process that local authority maintained schools are required to follow when making similar changes. The proposal to expand or establish a resource base triggers the requirement for a 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 and in respect of the proposals for Castleman Academy Trust, 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).
39. **Travel and Transport:** Councils have a statutory duty to make transport arrangements for all eligible children including for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs (SEN) or disability.
40. **Consultation:** As part of the statutory process, academy trust partners have undertaken fair and open local consultation with those who could be affected by the proposed change. In the case of the schemes being developed in partnership with Castleman Academy Trust, the consultation process ran for a period of four weeks in line with the requirements for consultation set out in the statutory guidance for open academies. BCP Council agrees that the proposals are in line with the needs of the local area
41. As required by the SEN Code of Practice, local authorities must consult with children, young people and their parents/carers when reviewing educational provision. It is noted from the report that there has been consultation with parents in relation to these proposals and the co-produced Written Statement of Action already approved by BCP working jointly with all stakeholders is considered to be proportionate.

## **Summary of human resources implications**

42. The commissioning of Children's Services capital projects rests principally with the Education & Skills directorate staff. This includes client-side project management. Work to develop the capacity and expertise of the client side-team is underway and will be essential for the robust delivery of the expansion programme. The team are working closely with technical property professionals commissioned as appropriate using in house or external expertise.
43. There are human resources implications that will need to be progressed by the schools that are involved in the proposed changes. In each case, the individual trusts have the appropriate expertise and staffing resources in place/planned 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 to model associated costs.

#### **Summary of sustainability impact**

44. The works will be delivered in accordance with attainable components of a BREEAM credits strategy and in accordance with the Building Regulations.
45. Through ensuring additional appropriate provision is available to meet needs closer to where children and young people live there will be an overall reduction in the distances travelled to get to school and an increase in the numbers being educated within their own communities. In addition, the proposed changes will contribute to making use of existing school buildings. The schools will be required to update their Travel Plans to determine how home to school pupil travel can be organised to cause the minimum impact on traffic volumes and the environment.

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

46. The SEND programme of expansion promotes the health and wellbeing of children with complex needs. It will improve access to quality, local specialist places by maximizing the use of the existing school estate and promote inclusion practice in mainstream schools. This will greatly benefit existing children on roll and provides education, health and wellbeing benefits for the children and their families.

#### **Summary of equality implications**

47. 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 has been approved by the EIA panel on 15 September 2022. The screening tool is provided at Appendix 1.
48. 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**

49. The programme of expansion is key to the Council's priority to provide sufficient specialist places and address the pressure in the high needs block. As the Council continues to deliver capital schemes, a confluence of factors and requirements can often make the management of these more difficult. Factors include the impact of material shortage, tough economic conditions prompting contractors to shift project risks back to commissioners and the requirement to achieve carbon reduction measures and planning conditions including BREEAM. These forces and factors increase the risk of capital projects not delivering on intended outcomes and make it even more challenging deliver capital projects that meet and fulfil Council priorities and

stakeholders' expectations. To mitigate the risk a procedural framework to support execution of capital projects is essential. This framework cuts across different Council services and business functions and as such require a coordinated approach to embrace project controls, design and execution and put them in place early in the project lifecycle. This is essential to the success of the expansion programme and is even more critical since our SEND capital projects are complex and there is an inevitable need to realise speed of delivery, value for money and efficiency.

## **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 Equalities Impact Assessment