

Report subject	<b>SEND Programme of Expansion - Broadstone First School</b>
Meeting date	7 November 2023
Status	Public Report with Exempt Appendix
Executive summary	<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, a programme of expansion of specialist school provision across the conurbation is being implemented to help provide local access to cost effective places and thereby to reduce the Council's reliance on costly independent placements. For this to be successful the programme will need to provide additional places:</p> <ul style="list-style-type: none"> <li>• across the BCP area</li> <li>• Across reception to Post 16 year groups</li> <li>• Meet the profile of needs that we have an identified as a challenge in sufficiency of places.</li> </ul> <p>Broadstone First School, an academy run by the Castleman Academy Trust, is one of the schemes in the expansion programme where there is excellent opportunity to provide additional resource base places for children with autism spectrum condition (ASC).</p> <p>Detailed feasibility analysis shows that the academy would be capable of accommodating 20 SEND places from September 2024 provided modifications and extensions to the existing school buildings are undertaken.</p> <p>Unless schemes such as this are implemented the Council will have no option other than to continue with expensive independent placements to meet its legal duty to provide specialist places.</p> <p>The recommendation of this report therefore is to approve the budget detailed in Appendix 1 (Exempt) needed to grant fund the building works and related processes required for the creation of 20 SEND places at Broadstone First School.</p>

<b>Recommendations</b>	<p><b>It is RECOMMENDED that:</b></p> <p><b>Council approves the capital budget set out in Appendix 1 (Exempt), which is funded from DfE grant monies, to enable the construction works and related processes to be undertaken to create the facilities for 20 SEND places at Broadstone First School.</b></p>
Reason for recommendations	<ol style="list-style-type: none"> <li>1. Approval of the 20 SEND places at Broadstone First School and the requisite budget for the relevant constructions works and processes will enable the Council to: <ol style="list-style-type: none"> <li>a) meet its legal duty to provide places for pupils with special educational needs and disabilities (SEND)</li> <li>b) meet its priority to expand the availability of specialist school places to: <ol style="list-style-type: none"> <li>i. provide local places for pupils with special educational needs and disabilities (SEND)</li> <li>ii. to achieve savings as part of the Council's High Needs Block Deficit Recovery plan.</li> <li>iii. to improve inclusion across mainstream provision as part of the Graduated Pathway Programme</li> </ol> </li> </ol> </li> <li>2. The provision of 20 SEND places at Broadstone First School will complement the SEND service being provided through the 23 SEND places already available at Broadstone Middle School. The combination of provision will create a cohesive SEND support service for pupils from age 4 through to age 13.</li> </ol>

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Wards	Broadstone;
Classification	For Recommendation

## **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, to promote inclusion in a mainstream school, an increasing number of children and young people require costly support.

## **Growth in complex needs/children with SEND**

4. 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.

## **Pressure on High Needs Spending**

5. 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.

## **Programme of Expansion of Specialist Places**

6. The Council's 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 autism spectrum disorder (ASD), speech, language and communication needs (SLCN) and social, emotional and mental health (SEMH) needs. The development of schemes includes 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 envisaged 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.

## **Expansion Proposal – Broadstone First School, Castleman Academy Trust**

8. Broadstone First School is a mainstream infants school for children aged 4 to 8 at start of school year i.e. for school years Reception to Year 4. The proposed facility would be a discrete permanent SEND resourced base for children with high levels of special need. This would enable those children to experience mainstream school learning opportunities such as whole school activities, play and some lessons with mainstream pupils as determined by the judgement of school leaders. Such children may, in due course, be able to take advantage of more mainstream activities and are much less likely to be in specialist settings throughout their whole school life. Inclusion of children with special educational needs and disabilities is of benefit not only to those children, but to the whole school community, and may assist in developing pedagogical practice for all children in the school.
9. To meet the pressing need for SEND places Broadstone First School already provides 14 SEND places currently using temporary areas within the school. While providing a temporary expedient, this arrangement is unsuitable for permanent SEND services provision. This provision is a stop gap measure and has caused considerable disruption throughout the school, with temporary loss of the library to accommodate SEND children.
10. Castleman Academy Trust hosts a similar resourced base in Broadstone Middle School which would be closely involved in establishing the proposed permanent resourced base at the infants school.
11. This scheme forms part of a coherent plan to expand ASD/SLCN/SEMH provision in the Broadstone area of the conurbation. Places will be allocated by the Council under the SEND code of practice to children with an EHCP with ASC or associated difficulties.
12. Castleman Academy Trust has developed the proposed scheme working in partnership with BCP Council. The design and construction of the works involved in creating the SEND resource base will be managed by the Trust who are also the responsible body for undertaking the statutory process necessary to achieve a formal legal registration of the resource base. Subject to Council approval, the grant funding for the capital works will be provided by BCP under the terms of a funding agreement for the capital works. SEND services will be commissioned through a Service Level Agreement.
13. The capacity of the school for children placed under the local coordinated admission scheme will remain unchanged with 60 places in each of the year groups Reception to Year 4, offering a total of 300 places.

### **Business Case**

14. The proposal, including a full business case, was evaluated by BCP Council. A business plan has also been considered by the Regional Director for the South West as part of the work necessary to agree to a significant change to an open academy.
15. Key features of the business case are as follows:
  - Castleman Academy Trust already operates a successful permanent resourced base for children and young people with ASC at Broadstone Middle School. The Trust is also operating a successful temporary resourced base at Broadstone First School.
  - The proposal has local support from families/parents/carers.
  - Consents and permissions have been obtained including full planning permission and provisional approval from the Regional Director for the South West to a significant change to the school, subject to LA budget approval.
  - 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.

- 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 was Ofsted judged 'Good' as in September 2023
- The local authority is fully supportive of the proposals set out within the business case and has been working in partnership with the school to develop the scheme.

## Project Management

16. Children's Services have implemented updated project management procedures for the delivery of capital projects based on the advice and guidance of external project management consultants. The procedures use technical and operational assessments at each stage of a project's delivery to ensure that it is achieving its intended purpose within approved cost and time parameters.
17. The Service's project management procedures enable the delivery of schemes to be led and managed either by academy trusts, or by the Council or by a third party. In this case, the Broadstone First School scheme will be directly managed by Castleman Academy Trust, supported by BCP's in-house capital project management team acting in a client liaison capacity to ensure the project objective is achieved within agreed tolerances through regular stage reviews and gateway approvals.

## Scheme Outline

18. The scheme is now ready to proceed into construction, subject to the Council's approval. The investigations, assessments, design development and approvals procedures undertaken during the pre-construction stage are summarised as follows:
  - **Feasibility Study:** A feasibility study was completed by construction consultants appointed by the Trust, working in conjunction with school management and SEN staff and with BCP officers. The study investigated options for development within the school site, evaluated the five identified possibilities and concluded that only one location had the ability to provide an integrated discrete resource base with direct access to a dedicated external play area.
  - **Design:** The scheme involves the development of a two-storey extension to the north end of the existing teaching block to enable the relocation of three Key Stage 1 (KS1) classes and an IT suite. The vacated KS1 area will be reconfigured to provide three SEND resource bases, two group rooms, a sensory room, storage rooms, toilets, and shower. The design is compliant with specifications set out in the Department for Education's Building Bulletin guidance 104 (BB104). It has been developed to the technical design detail stage involving the coordinated assessments, investigations, strategies and solutions of the architectural, structural and services design team.
  - **Site Investigations and assessments:** Geotechnical, arboricultural and ecological investigations have been undertaken to inform the development of design strategies and to provide evidence for Planning.
  - **Services:** Checks on electricity, gas and water have been undertaken, all existing services have sufficient capacity to meet the needs of the proposed expansion of the school buildings. Assessments have been made and strategies have been identified for the expansion of fire alarm, ICT and CCTV systems.
  - **Sustainability:** The scheme is designed to achieve a "Very Good" BREEAM rating in accordance with Poole Planning policy PP37. A BREEAM assessor has worked with the design team to identify the credits needed to achieve the required level of sustainability. Also compliant with PP37, 10% of consumed energy will be provided by an array of roof-

mounted photo-voltaic panels.

- **Planning:** Planning permission has been granted with conditions..
- **Building Regulations:** The trust has appointed Approved Inspectors to undertake a review of the relevant strategies in the design and then to inspect the works when in construction.
- **Furniture, Fixtures and Equipment (FF&E) & Information Technology (IT):** The Academy Trust has calculated the amount of budget needed for FF&E and IT capital purchases required for both the temporary and the permanent resourced bases. The FF&E budget includes the resources required in the external play area.
- **Cost estimate/Proposed Scheme Budget:** The technical design of the works has been developed in sufficient detail to obtain prices for the works. The Trust's consultants tendered the works and received five tender submissions by 25<sup>th</sup> August 2023 with 90-day acceptance periods. The consultants have assessed the tenders and have reported their evaluation of the bids, giving their recommendation as to the most economically advantageous tender for acceptance. The consultants' report incorporates an updated and finalised cost plan for the delivery of the project based on the offer from the most economically advantageous tender. That cost plan has been used to inform the estimate of cost and budget recommendation contained in Exempt Appendix 1.
- **Programme:** The programme shows an anticipated handover of the permanent SEND resourced base by the beginning of the academic year 2024/25. Key dates in the project programme are summarised in the following table:

Activity	Date
Latest date for Trust's acceptance of Works tender	23 <sup>rd</sup> November 2023
Commencement of 1 <sup>st</sup> phase of construction works	3 <sup>rd</sup> January 2024
Commencement of 2 <sup>nd</sup> phase of construction works	22 <sup>nd</sup> July 2024
Completion of 1 <sup>st</sup> phase of construction works	9 <sup>th</sup> August 2024
Completion of 2 <sup>nd</sup> phase of construction works	30 <sup>th</sup> August 2024

## Options Appraisal

19. Alternative options considered include:

- Option 1: Create 20 SEND places at Broadstone First School to complement the 23 SEND place provision that already exists at Broadstone Middle School. This option will help to meet the needs for SEND places in this part of the BCP conurbation while the programme for expansion continues to identify options and develop proposals in other locations.
- Option 2: Develop new specialist school. The Council's recent application to the DfE for the development of two new free school provisions has been rejected. Feedback was that though the applications were strong and clearly indicated need they were not agreed on this application process, however the DfE encouraged the Council to make an application again when the next process for applications open. This option does not have certainty of success, nor a clear timeline to determination.
- Option 3: Make no change to existing provision at Broadstone First 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 First School meets the High Needs Strategy and provides the Council will additional capacity to meet the needs of the local community, ensuring that children with SEND live and learn locally.

**Option 1 is recommended.**

### **Summary of financial implications**

20. **Capital Cost Estimate:** The cost estimate of this scheme is provided in an Exempt Appendix 1.
21. **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.
22. **Financial risks:** The funding agreement between BCP and Castleman Academy Trust will include an amount for contingency to cover unavoidable, not reasonably pre-ascertainable abnormal additional cost. Secondary contingency is included in the budget cost estimate to provide the Council with mitigation for residual risks.
23. **VAT implications:** The project is managed by Castleman Academy Trust which bears all costs for the design and construction of the works. BCP is grant funding the Trust to provide the SEND places, BCP is not a commissioner of services. The Trust is able to reclaim the VAT it incurs on the design and construction expenditure for the works under section 33B of the VAT Act. BCP's grant funding therefore does not attract VAT nor does it incur any irrecoverable VAT.
24. **Value for Money assessment:** The cost of the proposed scheme is above the national average cost per place for the provision of special school places estimated by English Buildings and Development Officers Group (EBDOG) and the Department for Education (DfE), however it is within the 80-percentile cost range contained within the National School Delivery Benchmarking Costs data issued in May 2022. Further details are provided in Exempt Appendix 1
25. The scheme is more costly than the EBD OG/DfE national average due to the constrained nature of the school site and the consequential lack of development options, there being only one where the SEND learning resource bases can have direct access into a dedicated SEND external play area. This location is currently occupied by three Key Stage 1 (KS1) classes and an ICT suite. These need to be relocated into a new two storey extension which, to accord with DfE school design standards, is of a larger area than would be required if the extension had the sole purpose of providing SEND accommodation. In addition, the nett/gross floor area ratio of the extension is less efficient due to staggered end of the existing teaching block.
26. The EBD OG/DfE cost data is 18 months behind current prices and so is subject to uplift for the effects of inflation in the intervening period.
27. The school is located in a conservation area and so the cladding materials for the extension have had to be selected for their suitability for use near to the original school building.
28. **Revenue implications:** The revenue costs of running the new provision will be provided by the Council's High Needs Block through BFS'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 each pupil's EHCP and in the paragraphs below.
29. **Per Pupil Place Guaranteed Funding Element:** £10,000 per pupil per place commissioned by the Local Authority applied as follows:
  - Existing resourced provision available since 2021/22 x 8 places
  - Existing resourced provision available since 2022/23 x 9 places in temporary accommodation

- Additional resourced provision available from 2023/24 x 14 places in temporary accommodation
  - Permanent Resource Base Provision completed for academic year 24/25 offering total of 20 places
30. **Top-Up Funding:** For every child within the resource provisions an additional £10,000 per child is paid to the school via the High Needs Block aligned to the individual EHCPs.
  31. The revenue costs of the resource base are projected to be £230k pupil place guaranteed funding element plus £200k top up fees, equating to £400k annually when operating at full capacity of 20 places.
  32. 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.
  33. Castleman Academy Trust has examined the financial risks associated with the project and confirm they are manageable/sustainable.
  34. **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.
  35. **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 or £380k per annum.

### Summary of legal implications

36. **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.
37. 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.
38. The funding agreement also requires the Trust to obtain the Council's prior agreement to undertake the works. This is in the form of a letter licence which has been prepared by BCP Estates.
39. **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.

40. **Statutory Process:** The place change notification process enables provider local authorities (the local authority in which the school or college is located) to notify ESFA of any changes to the number of high needs or hospital education places at those schools and colleges funded via ESFA. The additional places at Broadstone First will form part of the Councils November return to the DfE.
41. **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.
42. 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**

43. There are no direct HR implications arising from this report as staff are employees of The Castleman Academy Trust and not BCP Council.
44. The Castleman Academy Trust 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**

45. The works have been designed to achieve a "Very Good" BREEAM rating and to generate 10% of the consumed energy from renewable on-site sources in accordance with Poole Planning policy.

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

46. The expansion of places at Broadstone First School promotes the health and wellbeing of children with complex needs. It will improve access to quality local specialist places and provide opportunities for children with SEND to live and learn locally. 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**

47. 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 has been considered by the EIA panel in mid-September and given a Green rating.
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 risk of the SEND places not being needed in the foreseeable future is low. There is an evident need for special school places within all parts of the BCP conurbation. Broadstone First School provides an opportunity to create twenty places for infant children which will complement the existing programme for older children at Broadstone Middle School.
50. Castleman Academy Trust will be responsible for the management and successful delivery of the construction works.

### **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.