

CABINET

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PROPOSALS FOR THE EXPANSION AND RELOCATION OF ABBEY COURT SPECIAL SCHOOL

Portfolio Holder: Councillor Mike O'Brien, Children's Services (Lead Member)

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Summary

This report sets out proposals for the expansion and relocation of Abbey Court Special School, based on an analysis of need, including actual and forecast pupil numbers for the next five years.

1. Budget and policy framework

- 1.1 This report supports Medway Council's SEN strategy (2009) in aiming to educate as many children as possible close to where they live and to reduce the number of children and young people being educated outside the Medway area or in independent provision. This is consistent with the Council Plan Priority of 'Children and young people having the best start in life.
- 1.2 Capital grant funding has been allocated in the 2013/14 programme for the development of SEN provision in Medway, and additional sources of funding have been identified as set out in section 6.1 to 6.5 of this report.

2. Background

- 2.1 Following consultation Medway Council published "Special Educational Needs – An Inclusive policy and strategy for Medway 2009 – 2014", which set out the ambition that wherever possible the special educational needs of Medway children should be met so that they are able to learn and achieve in local provision, close to where they live. Generally, provision for children with SEN in Medway is good and children with SEN make good progress. However, the number of children from Medway educated outside local mainstream or maintained special schools is too high, which includes a number of children educated outside the Medway area or in independent provision.
- 2.2 Medway has agreed the principle that the trend to place children out of area or in independent provision should be reversed where possible and aims to educate

as many children as possible close to where they live and to reduce the number of children and young people being educated outside of mainstream or local maintained special schools.

- 2.3 In recent years, there has been a significant growth in the number of primary age pupils in Medway with severe and profound learning difficulties. We expect numbers to continue to grow, resulting in a need for additional capacity. This capacity will be required initially in the primary phase, but also in the secondary phase in the longer term.
- 2.4 Abbey Court Community Special School is an outstanding school for pupils aged 3-19 with severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD), and is currently the only school in Medway able to cater for children with these most complex needs. Children at Abbey Court often have significant medical needs; life limiting and life threatening conditions, and over 50% of pupils are in wheelchairs or have mobility aids.
- 2.5 Abbey Court School is located on two separate sites, one in Rainham and the other in Strood, 12 miles apart.
- 2.6 The School Organisation Plan which was approved by Cabinet on 1 November 2011 (Decision 142/2011) sets out the commitment to explore the opportunities for all of Abbey Court provision to be based on a single site and to increase the amount of overall accommodation available to the school.
- 2.7 In recent years, the Council has allocated basic need capital funding to develop additional SEN provision. More recently, the council was successful with bids for funding through the targeted basic need growth fund, including a bid for funding to support the expansion of Abbey Court to provide up to 68 additional places. This combined with other identified sources of funding provide the opportunity to take forward a scheme for the relocation and expansion of Abbey Court onto a new site.
- 2.8 This report sets out the need for additional provision for pupils with severe and profound learning difficulties, and proposals for the development of a relocated and expanded Abbey Court to meet that need.

3 Options

The need for additional provision

- 3.1 An assessment of the current number of Medway children with statements requiring specialist provision by the main disability need type has been undertaken, alongside forecasts of the likely number of statemented children requiring specialist provision in Medway over the next five years. These forecasts are based on information held by the council (Special Needs Team, Medway NHS Maternity System, Social Services and Planning Services) and external sources for national trends (Department for Education and the Office for National Statistics).
- 3.2 We expect that the number of children with statements requiring specialist provision in Medway will continue to increase over the course of the next five years. The reasons for the expected increase are:

- A recent increase in the birth rate, which will increase the overall number of primary age pupils;
- The raising of the participation age, which will result in some more pupils remaining in education for longer;
- An increase in the proportion of children with statements of special educational needs nationally;
- Inward migration to the Medway area, including an increasing number of children moving into the area with high level needs requiring specialist provision;
- Increase in survival rate of pre-term babies.

3.3 Medway is currently experiencing a period of significant demographic growth in the overall number of primary age pupils in Medway. Our mainstream forecasts show an expected increase in primary age pupils in Medway of 10% between 2011 and 2016 (Source: Medway's School Organisation Plan 2011-16) resulting from an increased birth rate and significant amounts of net inward migration to the area.

3.4 The increase in the number of primary age pupils with statements requiring specialist provision in Medway is increasing at a quicker and more significant rate. In the last 4 years the number of primary age pupils with statements requiring specialist provision has increased from 281 in 2009 to 526 in 2012, representing an increase of 87%. This growth is a result of a combination of the increase in the number of primary age pupils overall, and an increase in the proportion of those children with special educational needs.

3.5 The following table shows the increase in recent years in the movement of families into Medway with children requiring specialist placements:

	2007	2008	2009	2010	2011	2012
Total number of pupils with Statements moving into Medway	72	73	66	54	73	72
Number of whom have high needs requiring specialist placement	10	15	11	20	56	51

3.6 Additionally the complexity of need is increasing, which is contributing to a sharper increase in the numbers of pupils with the most complex needs, for whom Abbey Court represents the most appropriate provision. The latest Ofsted report for Abbey Court School from October 2012 recognises this and says "The school continues to experience a shift in the complexity of levels of need, including severe challenging behaviours."

3.7 Pre-school pupils requiring specialist provision over the past two years (2011 and 2012) have averaged 44 per year representing a significant increase in number prior to 2011, when an average of 20-23 pre school pupils per year required specialist placement. Of the 44 (per year) (2011/2012) an average of 15 pupils required SLD/PMLD placement.

3.8 In addition, an historical lack of sufficient capacity in Medway based provision has resulted in a number of pupils needing to be placed in independent/non-maintained provision, often with significant cost implications. The development of additional

Medway based provision would result in more children being educated in provision closer to home, as well as reducing the cost of placements over time. Taking no action to provide additional capacity is likely to result in additional budget pressures from the additional costs of educating additional children in out of area or independent provision.

- 3.9 In addition, whilst it is possible to place children in the independent sector with most need types, recently this has been more difficult when trying to place children with these profound and complex needs as there has been no appropriate provision in the independent sector, particularly in the primary phase.
- 3.10 The average cost per pupil of educating a child at Abbey Court is approximately £24,821, including transport costs. The cost of an equivalent placement in out of area/independent provision, can vary significantly from as low as £18,000 for a placement at a special school in another authority area, to around £50,000 for a day placement in independent provision, around £100,000 for 38 week residential boarding provision, and up to £270,000 for a 52 week residential placement.
- 3.11 Because neighbouring authorities are facing the same pressure on places as Medway, the ability to secure placements in other local authority provision is likely to be limited in the future. It is therefore reasonable to assume that any future placements not in Medway maintained provision, would be in the independent sector.
- 3.12 The average cost of educational provision in the independent sector for current Medway pupils excluding residential costs, but including transport costs is £51,000, and this is the cost used to compare the cost of Medway and independent provision.
- 3.13 Once a child is established in a particular provision, it might not be in the best interests of the child for them to transfer to a different establishment, outside of a key transition points, however in some cases this may be possible, with the agreement of parents. For pupils not yet in specialist provision, however, the additional costs of a residential placement in the future could be avoided if appropriate provision was available in a Medway maintained school.
- 3.14 As at the last census in October 2013 Abbey Court had 141 pupils on roll, including six in the nursery. In order to meet the forecast additional need, funding has been allocated by the DFE, through the targeted basic need growth fund, to provide expansion for up to eight additional pupils per year group in KS1, KS2 and KS3, plus four additional places in nursery provision. This represents an overall increase of 68 pupils.
- 3.15 Over time, therefore the cost benefit of establishing 68 additional places at Abbey Court with an average difference in cost per pupil of around £26,000 between the cost of Medway maintained and independent provision, could be as high as £1,768,000.

Benefits of relocating Abbey Court to a single site

- 3.16 There are five different departments within the school, spread over two separate sites 12 miles apart. The current school accommodation on both sites was not purpose built and has significant constraints. Further expansion on those sites to address these constraints would be challenging, as site areas are small. The

constraints of the buildings include a lack of space for specialist equipment and storage, a lack of appropriate therapy and medical spaces, inappropriate changing/personal care need provision, small and cramped classrooms and specialist rooms for music, drama, art and design and technology. In addition, there is insufficient space for those pupils with challenging behaviour to access quiet space away from other very vulnerable children, which compromises pupils' health and safety.

- 3.17 Despite this, pupils at Abbey Court achieve well and make very good progress. The school has been judged "Outstanding" at the last two inspections.
- 3.18 Split site working directly affects the ability of the school to manage the curriculum, and of specialist agencies to provide effective support:
- Subject leadership is not readily achievable across the school, as relevant staff are not easily accessible;
 - Teaching is not possible across a range of ages to aid professional development and share skills;
 - Specialist staff such as Speech and Language, music and physiotherapies are at one site or the other, and hence often not available when needed;
 - Recruitment of staff can be affected by the possibility of being deployed at either site;
 - Meetings are difficult to convene as there is always travel involved;
 - Curriculum provision is restricted - for example opportunities for older children to do 'work experience' with younger children;
 - Parents are not able to meet parents of older children for vital sharing of experience.
- 3.19 Abbey Court are allocated a budget of around £200,000 per annum to offset the cost of running a split site, and a single site would mean that this funding could be used to support other priorities. Abbey Court school have provided further information to suggest that the true cost of running a split site is actually closer to £360,000, which includes a notional cost in respect of lost hours with regard to staff, who are required to travel between the two sites. This cost is estimated as £88,800, representing 2,979 hours in a school year at an average cost of £29.81 per hour.
- 3.20 The educational impact on children with severe and complex needs directly resulting from the split site arrangements is significant. The loss of valuable teaching and learning time, due to the need to transport children from one site to another to access valuable facilities such as the hydrotherapy pool, is a significant issue. Other site constraints and deficiencies also impose severe limitations on students' access to the curriculum.
- 3.21 The development of new facilities on a new site, would address these issues, provide capacity for additional pupils, and allow for additional future expansion, should demand continue to rise in the future.
- 3.22 Expansion on a new site would also give greater flexibility for the school to be able to develop provision to meet other local needs, such as the development of enhanced outreach/training facilities to support other schools, and pupils in other settings.

Options for the relocation and expansion of Abbey Court School

- 3.23 The former Temple School site is proposed as the optimum site for the relocation and expansion of Abbey Court School.
- 3.24 A plan of the site is included as an appendix to this report with the following areas marked for reference:
- Part of the site (approx 50%) edged in red on the attached plan, including some of the buildings, have been declared surplus for sale for housing development;
 - Of the remaining buildings and site a quarter, edged green, have been agreed for use by Child Development Centre (CDC) a health funded integrated service for disabled children;
 - The remaining site, comprising the remaining former Temple school buildings and the playing fields edged blue are available for development.
- 3.25 In considering the future use of any former educational buildings and sites, the provisions of the Section 63 and Schedule 14 of the [Education Act 2011](#) which amends various statutory provisions regarding school land and premises, including the Academies Act 2010 and the School Standards and Framework Act 1998, should be considered. The Act includes arrangements, which require Secretary of State consent for land disposals, and includes powers for the Secretary of State to transfer any such land to an academy or a free school. This applies to all land held by a Local Authority that has been used for any school in the eight years preceding the disposal.
- 3.26 No consent would be required, however, if former educational buildings were to be used for the purposes of another educational establishment. Proposals to develop new provision on the footprint of the existing buildings for example, could be done without needing to obtain consent. Building on playing fields on the site, would however require consent, a process that would take at least 6 months.
- 3.27 The former Temple School site is located only one mile in distance from the current Abbey Court secondary school site. This means that depending on the availability of funding for the overall scheme; consideration could be given to the phasing of the project, with KS1 and KS2 provision relocated initially.
- 3.28 The designation of the site is for educational use, and assuming the school is to be constructed on the footprint of the existing school buildings, this would mean that it is unlikely that there would be any significant barriers to obtaining planning consent for this type of scheme. The contractor would submit plans for approval in the normal way before building works start.

4 Diversity Impact Assessment

- 4.1 A Diversity Impact Assessment screening will be completed in relation to any specific proposals that are taken forward.

5 Impact of the proposal on arrangements for looked after children

- 5.1 It is essential that children with special educational needs are placed quickly into appropriate provision, and this is particularly true for looked after children with

special educational needs, as they will often have experienced disruption and uncertainty. Some of the pressure on Medway provision comes from the placement of looked after children in Medway by other local authorities.

6 Advice and analysis

- 6.1 The local authority has £2.9m allocated in the current approved capital programme to fund additional SEN provision.
- 6.2 In addition through the targeted basic need grant scheme, the council has been allocated £2,405,915 to support the expansion of Abbey Court.
- 6.3 In addition, the receipt of additional targeted funding means that up to £4.5m of basic need funding could also be allocated to a scheme to relocate Abbey Court.
- 6.4 A business case has been presented to the Schools Forum proposing the use of £2m of funding from DSG reserves to support the development of additional provision. This has been provisionally approved by Schools forum, subject to more detailed proposals being accepted.
- 6.5 This means that a total of around £11m is now available to develop proposals for the expansion and relocation of Abbey Court. In addition, further funding could be added to the budget, for example from developer contributions, future years capital allocations or other sources.
- 6.6 The availability of this level of funding provides a unique opportunity to develop additional SEN provision in Medway, to address the increasing pressure on places and reduce our reliance on out of area placements.
- 6.7 In addition the relocation of Abbey Court to a single site, would address the significant constraints of the current split site arrangements, and present the opportunity to address suitability issues relating to the current sites.
- 6.8 The relocation of Abbey Court, and the release of the current sites, would also provide opportunities to develop and expand other Medway based SEN provision in the future to meet the growth in numbers for other need types, particularly pupils with Moderate Learning Difficulties (MLD), Autistic Spectrum Disorder (ASD) and Behaviour, Emotional and Social Difficulty (BESD) needs.

Delivery of the proposed scheme

- 6.9 Targeted basic need funding allocations are provided with the agreement that the local authority will deliver additional places by no later than September 2015. Because of delays from the Education Funding Agency confirming the allocation of funding, this makes the timeframe for delivery of the project very tight.
- 6.10 In addition, the value of the project is such, that it requires a EU compliant procurement approach. This means that the use of an established procurement framework will be required.
- 6.11 Procurement Board recently considered a paper on the potential benefits of the use of a recognised framework (Hampshire Contractors Framework) and the appointment of a contractor at an earlier stage, to deliver better value for money,

and also a significantly reduce the procurement timescale. This project will make use of the framework as a pilot scheme to assess the benefits.

- 6.12 Taking into account the value, and therefore potential for savings of the Abbey Court scheme, as well as the tight timescales for delivery, it is recommended that the appointment of a contractor via the Hampshire Contractors framework would represent the most beneficial approach in this case. This would involve the appointment of a contractor at an earlier stage initially to work with the council to design a cost effective scheme.
- 6.13 The milestones for delivery of the Abbey Court scheme taking this approach would be as follows:
- **Late November 2013** – Invitation to submit proposals for mini-competition via framework.
 - **Early Jan 2014** – Appointment of contractor for pre-contract stage.
 - **Jan – June 2014** – Detailed design development undertaken by contractor's design team.
 - **June 2014** – Appointment of contractor for building contract subject to Gateway 3 Cabinet approval.
 - **July 2014 – Sept 2015** – Construction phase.
- 6.14 It is important to note that the above timeframe, whilst shorter than a more traditional approach, is still very tight, and there remains a very real risk that the project will not be deliverable by September 2015. A more traditional approach, however would add several months to the above timetable.
- 6.15 Statutory consultation is required for the following organisational changes to community special schools;
- a) Change to upper and/or lower age ranges
 - b) Change to designation of SEN provision
 - c) Increase or decrease to pupil numbers (subject to increase being more than 10% of the pupil numbers at given time, depending upon circumstances such as any recent changes to numbers)
 - d) Transfer of site
- 6.16 In this case statutory consultation would therefore be required for the proposed increase in pupil numbers and transfer of site.
- 6.17 The proposed timetable for consultation would be as follows:
- **26 November 2013** - Cabinet approval to undertake consultation
 - **13 January to 2 March 2014** – 7 week informal consultation including public meeting, allowing extra week to cover school holiday.
 - **25 March 2014** – Overview and Scrutiny review responses
 - **13 May 2014** - Cabinet to review responses and approval to go to Statutory Representation
 - **2 June to 13 July 2014** – 6 week Statutory Representation Period
 - **August 2014** - Delegated determination if no objections or Cabinet decision if objections
 - **1 September 2015** – Implementation.

7 Risk management

7.1 The following table highlights some of the key risks relating to the proposed project:

Risk	Description	Action to avoid or mitigate risk
Increase in cost of placements	Failure to develop additional provision would result in an increase in the number of pupils educated in independent / out of area provision, thus increasing cost pressures for SEN provision and transport.	The report sets out plans to develop additional provision to reduce the reliance on independent provision for SLD/PMLD pupils.
The available budget is insufficient to cover the full costs of the scheme	Final confirmed costs for the scheme cannot be confirmed until more detailed design work is undertaken.	The appointment of a contractor at an earlier stage to undertake detailed designs will help to minimise construction costs. Other sources of funding may need to be identified to deliver the full scheme. Consideration may be given to the phasing of the scheme, based on available funding.
The pupil forecasts do not accurately predict future levels of need.	A recent increase in inward migration has resulted in significant additional need.	The relocation of Abbey Court to a new larger site will ensure that future additional expansion is possible.
Changes require support of schools and other key stakeholders	The school, and other stakeholders governors may decline to support changes as increasing size / adding need type can impact on their existing provision and delivery	Engagement with the headteacher and governors at Abbey Court has taken place during the development of these proposals. Statutory consultation will be undertaken with all stakeholders. The proposed scheme will result in more suitable accommodation to better meet the needs of pupils.
DFE requirements to transfer vacant educational land to an academy or free school	The Secretary of State has the power to transfer former educational land to an academy or free school	Proposals for the future use of vacant sites for these purposes are presented in this report

Timescale to deliver provision by September 2015 is too tight	A condition of the targeted basic need funding is for additional places to be delivered by September 2015	The proposed procurement approach helps to mitigate this risk, although the timetable remains tight.
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8 Financial and Legal implications

- 8.1 Proposals for building works will either need to be funded via the Children's Services Capital programme which is mainly funded by Government and targeted grants.
- 8.2 Paragraphs 6.1 to 6.5 set out the current levels of funding available.
- 8.3 Approval for the final budget for the project will be required from Cabinet at Gateway 3 procurement stage, based on the designs developed by the contractor in consultation with key stakeholders, which will include representatives from the school.
- 8.4 Statutory consultation as set out in paragraphs 6.15 to 6.17 will be required for the relocation and expansion of Abbey Court.
- 8.5 This report proposes the use of the Temple site, a former educational site for relocated SEN provision. The powers of the Secretary of State to transfer former educational property are set out in paragraphs 3.24 and 3.25.

9 Recommendations

- 9.1 The Cabinet is asked to approve proposals for the relocation and expansion of SLD/PMLD provision at Abbey Court Special School to the former Temple site.
- 9.2 The Cabinet is asked to approve proposals to procure a contractor through the Hampshire Contractors Framework to develop design and cost specifications for the proposed scheme and to vire £925,000 for this phase of the project from the education capital programme.
- 9.3 The Cabinet is asked to approve proposals to commence statutory consultation for the relocation and expansion of Abbey Court, set out in paragraphs 6.15 to 6.17.

10 Reasons for recommendations

- 10.1 The recommendations will allow the council to develop detailed a scheme to relocate and expand Abbey Court, which will:
- deliver benefits resulting from the relocation of Abbey Court to a single site, set out in paragraphs 3.16 to 3.22;
 - deliver additional places to meet future demand set out in paragraphs 3.1 to 3.7;
 - enable a reduction in the number of children who would otherwise need to be placed in expensive independent and out of area schools set out in paragraphs 3.8 to 3.15.

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Background papers

Medway's School Organisation Plan 2011 - 2016

<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016%20revised.pdf>

Making changes to a Maintained Mainstream School (A guide for Local Authorities and Governing Bodies).

<http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-30002-2010>

Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014

<http://democracy.medway.gov.uk/mglIssueHistoryHome.aspx?Id=4073>

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. <http://www.legislation.gov.uk/ukxi/2007/1289/schedule/4/made>



Temple School Site