

## **CABINET**

**25 AUGUST 2020**

### **SPECIAL EDUCATION NEEDS AND DISABILITIES (SEND) CAPITAL PROGRAMME**

Portfolio Holder: Councillor Josie Iles, Portfolio Holder for Children’s Services  
(Lead Member)

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Services

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#### Summary

This report outlines the demand for specialist places, sets out the work undertaken so far to provide places for pupils with special educational needs and disabilities, and presents the proposals and funding requirements to expand Abbey Court and Bradfields Academy to provide further SEND places and requests approval of those proposals.

1. Budget and policy framework
  - 1.1 The proposals outlined in this report are consistent with the provisions of the School Place Planning Strategy 2018-22, support the Council Plan Priority of ‘Supporting Medway’s people to realise their potential’ and with the Council Plan outcome of ‘All children achieving their potential in schools’ and are within budget.
  - 1.2 The Medway Strategy for Children and Young People with SEND 2019-22 sets out the principles and priorities for meeting the needs of Medway’s pupils with SEND, the proposals meet Priority 3 of the strategy to “Ensure sufficiency of specialist provision in schools, settings and services within Medway so that children and young people can have their health, social care and educational needs met locally”.
  - 1.3 Medway Council has a statutory duty to provide sufficient school places. This duty applies to places in mainstream and special schools.

1.4 The proposals, if approved, would be delivered through available funding from the Education Capital Programme. Therefore, this is a matter for Cabinet to recommend the funding streams to Council for determination.

## 2. Background

2.1 SEND Pupil numbers in Medway have been rising in recent years. The Council has expanded primary provision in both mainstream and special schools to meet demand. However, the larger primary cohorts are now reaching secondary school age and therefore further secondary places are required to meet this demand over the coming years.

2.2 A SEND needs analysis was carried out in 2019 and the main areas of need highlighted were for Autistic Spectrum Disorder (ASD), Social Emotional and Mental Health (SEMH) and Severe learning Difficulties (SLD)/ Profound and Multiple Learning Difficulties (PMLD), particularly for secondary aged pupils.

2.3 Where possible, pupils with SEND are placed in a mainstream school with appropriate support or in a resourced provision within a mainstream school. However, some pupils needs can only be met within a special school.

2.4 Without sufficient places in Medway special schools, the Council must rely on independent and out of area provision. Placing pupils in out of area provision takes them away from their local area, family, and support network, which can impact on their education and wellbeing. Numbers of SEND pupils are increasing nationally, resulting in out of area provisions experiencing pressure on places reducing options for placements. Moreover, placements at independent schools are much more expensive than in state schools, in most cases without better outcomes for pupils. While state schools out of the area are similar in costs, transport costs are higher and the pupils concerned often have long journeys and do not have the chance to engage regularly with friends where they live.

2.5 The increasing demand for specialist placements within Medway is a challenge. If the current rate of growth continues, it is estimated that Medway will need 484 more special school places, 200 more resourced provision places and 500 more children supported in mainstream placements by 2024/25. Therefore we need to work closely with a wide range of schools and partners to enable these places to be developed to ensure we make best, and most creative, use of the resources we have to meet the needs of our children and young people locally wherever possible.

2.6 To assist in meeting the additional and increasing demand a number of projects and programmes have been undertaken and the following sections outline actions taken in recent years.

2.7 In 2015/16 expansions at Danecourt for 40 primary pupils with ASD and some SLD and the primary expansion at Abbey Court for 68 pupils with SLD/PMLD were undertaken.

- 2.8 The Department for Education launched a SEN capital programme in 2018, which allocated £2.3m to Medway over 3 years to provide additional places and facilities for pupils with Education Health and Care Plans. Following a series of consultations, the following projects were selected, and created an additional 164 places.

Table 1

School	Year	Benefits	pupils
Bradfields	1	Increase provision and improve facilities for ASD, MLD	27
Thomas Aveling	1	Hearing Impaired Unit	24
Hundred of Hoo	1	St Werburgh Centre for ASD	20
Danecourt	2	Expansion of premises	12
Hoo St Werburgh Primary School	2	Expansion of Marlborough Unit for primary age children with ASD	15
Elaine Academy	2	Expansion of SEMH unit for primary children	12
Hundred of Hoo	3	St Werburgh Centre rebuild	12
Bradfields	3	Primary Expansion	20
Rivermead	3	Post-16 life skills hub	12
Bradfields	3	Therapy class	10
Inspire Free School	3	Contribution towards the Inspire Free School expansion and relocation	(160 total)
		Total <b>excluding</b> Inspire School	164

- 2.9 A further £2.5m has been made available by the Council to create up to 250 additional resourced unit places within mainstream schools. This will provide the opportunity for pupils with SEND to remain within a mainstream environment where that is appropriate. A programme to deliver this need is currently under development.
- 2.10 The Council has worked in partnership with the DfE, to acquire in-principle agreement for a Free School to be built on Council land at Cornwallis Avenue, Gillingham. This will provide 160 specialist places for secondary aged pupils with SEMH and ASD with challenging behaviour. It is expected that the school, which will result in the expansion and relocation of the Inspire Free School currently located in Walderslade, will be ready to occupy during 2024.
- 2.11 Despite the additional places outlined in the preceding sections, further places are required to meet demand, particularly for secondary aged pupils with ASD and SLD/PMLD. The proposals set out in section 3 will focus upon meeting that demand.

### 3. Options

#### 3.1 Abbey Court

It is proposed to expand the current Abbey Court buildings at Cliffe Road, Strood to relocate the secondary provision from Rede Court Road, Strood and to provide for 56 additional secondary age pupils with SLD and PMLD.

3.2 Abbey Court Special School is an outstanding school for pupils aged 3-19 with severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD). It currently has separate primary and secondary sites.

3.3 On 26 November 2013 Cabinet approved the relocation of Abbey Court's provisions to a single site (decision no. 197/2013 refers). In 2017, Abbey Court's primary provision was relocated and expanded in a new, larger, purpose-built accommodation on the site of the former Temple School in Strood (the Cliffe Road site). As insufficient funding was available at the time, the secondary provision remained at Rede Court Road in Strood. The two sites are approximately 0.8 miles apart. The aim from the Cabinet approval in 2013 was to locate the school on a single site. The Rede Court Road site is not suitable for expansion.

3.4 The Abbey Court primary site at Cliffe Road has sufficient space to accommodate the secondary provision of Abbey Court and the school was designed as one initially and with planning permission in place rapid progress can be made in delivering this project.

#### 3.5 Bradfields

Bradfields Academy is an outstanding school for pupils aged 4-19 with Autistic Spectrum Disorder (ASD) and Moderate Learning Difficulty (MLD). The school is located on Churchill Avenue, Walderslade and has space on site to expand the provision.

3.6 The expansion will provide for up to 100 additional pupils with ASD further reducing the numbers of pupils being placed out of area.

3.7 As Bradfields is an academy, the decision to expand will fall to the Regional Schools Commissioner (RSC), however, the project will be funded by the Council and therefore a decision to proceed and fund the project must come from the Cabinet initially.

#### 3.8 Other options

Officers have also explored the option of creating a secondary provision for Danecourt (Gillingham), which currently provides only primary provision. The current site would not support an expansion of the size needed and therefore an additional site would be required.

3.9 No additional site is currently available and the cost of purchasing a new site should the opportunity present itself, is likely to be prohibitive when

added to the additional costs of building a completely new school. Therefore, whilst this option should not be discounted for the future, the recommended expansions at Abbey Court and Bradfields provide the most cost effective opportunity for expansion to meet demand for ASD and SLD/PMLD provision at this time.

3.10 Pupils at Danecourt generally transfer to other Medway special schools for their secondary education, including both Abbey Court and Bradfields.

#### 4. Advice and analysis

4.1 There is a shortage of secondary SEND places in Medway, and the Council has a statutory duty to provide places for pupils. If these are not available in Medway then the Council has to place pupils in provisions outside of Medway, and provide transport.

4.2 Neighbouring authorities are facing the same increased demands on SEND places as Medway and have similar issues securing special school places for their pupils, particularly in placing children who have Profound and Multiple Learning Disabilities (PMLD and Severe Learning Disabilities (SLD). Neighbouring local authorities, particularly Kent County Council, being unable to place these children within their local area, frequently consult with special schools in Medway to try to secure provision.

4.3 As the ability to secure placements in other local authority provision is extremely limited it is reasonable to assume that future placements for children who cannot be offered a place at Abbey Court Community School would be within the independent sector.

4.4 There is a significant lack of places at independent day schools. These schools are being consulted regularly by up to 17 local authorities and are more regularly responding to Medway consultations saying that they are full and have no places to offer.

4.5 The average cost of an Independent Special School day place for a child with complex needs is £60,000 per annum (£28,000 at Abbey Court). There would also be significant travel costs averaging at £30,000 per child per annum.

4.6 There are a number of independent special schools that offer weekly, 38 week and 52-week residential boarding option. These schools have also been less able to offer places recently due to increased demand.

4.7 The cost of an independent special school residential place for a child with complex needs is between £100,000 and £270,000 per annum (average £130,000). There would also be significant travel costs.

4.8 Aside from providing significant savings against placing in out of area and independent provision, having Abbey Court located on a single site will be more efficient for the school and benefit the pupils who will have access to

a range of learning tools and equipment as well as enabling the pupils to remain amongst their friends and peers in familiar surroundings.

- 4.9 Similarly at Bradfields, there is a shortfall in places for pupils with ASD, with pupils requiring out of area placement to meet demand. The individual costs of placing the ASD pupils out of area is less than at Abbey Court as the needs of the pupils are less severe and complex, however the benefits of keeping the pupils within Medway are the same. The savings would average £20,750 per pupil per year.
- 4.10 If the proposals are approved, both projects would be targeted to be ready for the 2022/23 academic year.
- 4.11 More detail on the financial impacts are discussed in section 8 of this report.
- 4.12 It is Council and central government policy that good and outstanding schools should be able to expand and both schools meet that criteria.
- 4.13 A Diversity Impact Assessment accompanies this report (Appendix 1) and all impacts of the expansions are expected to be positive and reduce disadvantage to the pupils who will attend and their families.

## 5. Risk management

- 5.1 The following table outlines potential risks to the council of implementing the proposals or not implementing.

Table 2

Risk	Description	Action to avoid or mitigate risk	Risk rating
<b>Funding</b>	Insufficient funding available to compete project	Ensure robust project management and appropriate value engineering	C2
<b>Pupil numbers do not materialise</b>	Numbers of expected pupils to require a place at Abbey Court and/or Bradfields do not appear meaning that funding could have been utilised more effectively elsewhere	Monitor pupil numbers throughout planning process.	D2
<b>Project timeframe</b>	For maximum benefit the expansion should be open for the 2022/23 academic year. If not then additional pupils will be placed out of area at significant cost to the council	Robust and fast paced project management to ensure project progresses as necessary	C2

Risk	Description	Action to avoid or mitigate risk	Risk rating
<b>Not implementing the proposal</b>	If the council do not approve the proposals, there will be a significant shortfall in school places for pupils with SLD/PMLD and these pupils will then need to be placed out of area away from their families and friends and at significant cost.	Approve and progress proposals	D2

## 6. Consultation

- 6.1 No consultation is required at this stage of the process.
- 6.2 To implement the expansion of Abbey Court, a consultation would usually be required as it would be a prescribed alteration. However, full consultation process was undertaken at the point of the initial expansion in 2014 and therefore no statutory consultation is required at this time.
- 6.3 Bradfields is an academy, and as part of the application to the DfE to acquire approval to expand they will need to undertake a consultation with relevant stakeholders.

## 7. Climate change implications

Table 3

	<b>Positive Impact on Climate Change/CO<sub>2</sub> Emissions</b>	<b>Negative Impact on Climate Change/CO<sub>2</sub> Emissions</b>
<b>Transport and Air Quality Encourage sustainable modes of travel and clean air</b>	<p>Providing places in Medway will reduce the need to transport pupils out of area, resulting in less and shorter journeys.</p> <p>Where possible remote and virtual meetings will be utilised when monitoring the progress of the projects resulting on fewer journeys into and around Medway</p>	The majority of pupils are transported to school in shared transport and an increased number of pupils means an increased number of minibuses, however, the reduction in out of area placements will be reduced too and would more than offset the increase within Medway.
<b>Energy Energy efficiency and energy saving</b>	Both the new Abbey Court and Bradfields secondary provision will offer a more energy efficient buildings than the current.	Construction of new buildings may result in increased CO <sub>2</sub> emissions. This could be mitigated to an extent, depending on the construction technique used.

<p><b>Planning and Development</b> <b>Adaptability of buildings to heat or flooding</b></p>	<p>The building will be energy efficient reducing heating use and costs. The most efficient method of construction will be utilised to minimise traffic activity during the project.</p> <p>Where possible remote and virtual meetings will be utilised when monitoring the progress of the projects resulting on fewer journeys into and around Medway.</p>	
<p><b>Bio-diversity and Greenspaces</b> <b>Protecting the natural environment</b></p>	<p>Abbey Court inherited a significant green area at phase 1 of the expansion, and have utilised that appropriately creating a rural studies complex on site which is available to external parties.</p>	<p>There will be some loss of green space at Abbey Court. However, the area allocated for the expansion has always been set aside for that from the initial design.</p>
<p><b>Waste Management</b> <b>Reducing, reusing and recycling waste</b></p>	<p>The school has a dedicated waste area where recycling takes place.</p>	<p>Procurement of more energy efficient IT hardware will require consideration to be given to recycling/disposal of old stock to reduce impact of carbon emissions.</p>

## 8. Financial implications

- 8.1 The proposals for the building expansions will be funded via the Children and Adults Services Capital Programme.
- 8.2 Previously, Council approved the funding of the SEND school on Cornwallis Avenue in Gillingham. £24.7m was added to the Capital Programme for this purpose.
- 8.3 However, as the Cornwallis School will now be a free school resulting in the relocation and expansion of the Inspire Free School, the DfE will provide the capital funding for the project.
- 8.4 Therefore, it is proposed to utilise some of the SEND school funding for the purposes of expanding Abbey Court and Bradfields. It is expected that £16.2m of the fund will be required for both projects and Cabinet is asked to recommend to Council that the funding is made available through a virement from the SEND school at Cornwallis Avenue of £12m to the Abbey Court project and £4.2m to Bradfields. These are estimates based upon the latest indicative costings of the proposed building works, however officers will explore all avenues to reduce this amount wherever possible, whilst at the same time delivering the necessary and appropriate capacity for the



schools to function effectively and providing the best value for money over the long term.

- 8.5 If places are not provided in Medway, pupils will have to be placed out of area, which will result in increased revenue costs.
- 8.6 At Abbey Court the average saving per pupil in providing places in Medway against independent provision would be £75,000. Based upon current rates, savings would increase year on year as more primary pupils progressed to secondary and by 2027 would result in a savings totalling in excess of £20m with a further £5m saved each year thereafter.
- 8.7 At Bradfields the average saving per pupil in providing places in Medway against out of area and independent provision is £20,750. Based upon current rates, savings would increase year on year as more pupils progressed into the secondary phase and by 2027 a total saving would reach £5.7m with up to a further £2m saved each year thereafter.
- 8.8 Therefore, as the above sets out, the proposals provide a significant saving to the High Needs Budget each year for the long term.

## 9. Legal implications

- 9.1 The Council has a statutory duty to provide sufficient good quality school places.
- 9.2 The Council has the power under sections 18 and 19 of the Education and Inspections Act, 2006 to make “prescribed alterations” to a maintained school. The procedure for making prescribed alterations is set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 9.3 Both projects will be delivered using the council’s procurement and tendering processes with formal approvals of funding scrutinised through the council’s Procurement Board. The projects would then be overseen by the Capital Services team from Children and Adults with day to day management from the councils Building and Design Services.

## 10. Recommendations

- 10.1 The Cabinet is requested to:
  - 10.1.1 approve the expansion of Abbey Court Special School as set out in sections 3.1 to 3.4 of this report;
  - 10.1.2 approve the expansion of Bradfields Special School as set out in sections 3.5 to 3.7 of this report; and
  - 10.1.3 recommend to Council the virement of funds within the Education Capital programme as set out in sections 8.2 to 8.4 of this report.

## 11. Suggested reasons for decisions

- 11.1 Expanding Abbey Court and Bradfields will provide additional secondary SEND places, allowing the Council to meet its statutory duty to provide school places and reduce the numbers of pupils needing to be placed out of area or in independent provision.
- 11.2 Approval of the funding will enable the projects to be undertaken and provide significant savings in future years against the High Needs Budget.

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### Appendices

Appendix 1 Diversity Impact Assessment

### Background papers

[School Place Planning Strategy 2018-22](#)

[Medway Strategy for Children and Young People with SEND 2019-22](#)